

027
U5843R
1937/38

John T. Vance
THE

LAW LIBRARY OF CONGRESS

**An account of its activities
and the more important accessions
for the fiscal year ended
June 30, 1938**

By JOHN T. VANCE

Law Librarian



THE LIBRARY OF THE
FEB 3 1942
UNIVERSITY OF ILLINOIS

027
45843R
1937/38

Law Library

FROM THE REPORT OF THE LAW LIBRARIAN, MR. VANCE ¹

*

Accessions	1937-38		1936-37	
	Main Law Library	Supreme Court Library	Main Law Library	Supreme Court Library
By copyright-----	6, 011	-----	3, 547	-----
By gift-----	1, 600	-----	1, 452	-----
By purchase-----	^a 18, 727	1, 118	^a 13, 032	1, 161
Through Division of Documents-----	1, 547	-----	1, 365	-----
TOTAL-----	27, 885	1, 118	19, 396	1, 161
TOTAL ACCESSIONS-----	29, 003		20, 557	
TOTAL CONTENTS OF LAW LIBRARY-----	^b 404, 469		^b 375, 466	

^a The actual number of volumes purchased and received by Accessions Division.
^b Exclusive of law material classified in the general collection.

As may be seen from the comparative table of statistics, the total volumes of the Law Library have passed four hundred thousand. This number makes the Law Library second in size among the law libraries of the United States. Totals, however, mean very little in themselves, and due account must be taken of the fields covered by the collections, the adequacy in which they have been covered and the lacunae that remain to be filled.

If the Law Library does not occupy the first place among the legal repositories in this country, it is due to the fact that, during the years while other institutions were spending substantial sums in the develop-

¹ Reprinted from the Report of the Librarian of Congress for the fiscal year ending June 30, 1938, pp. 72-124.

Report of the Librarian of Congress, 1938

ment of their law collections, the Law Library of Congress was compelled to let exceptional opportunities pass by for lack of adequate appropriations. Aside from the fact that the Law Library functions as a national repository of legal material, the United States Government is in constant need of a well equipped law library and it would be, therefore, an irreparable loss to the research value of the national collection if some of the early and scarce legal materials of importance become no longer obtainable.

In this respect the Law Library has to rely primarily upon its own resources, but it happens sometimes that important items of great scarcity are made available in Washington through the resources of private collections. Fortunately, such is the case with some rare English law items in both printed and manuscript form belonging to the collections of the Folger Shakespeare Library. Dr. Joseph Quincy Adams, the director, has kindly offered to furnish a list of the imprints in order that the Law Library may make known their availability and thus avoid expensive duplication.

In recent years the Law Library has been much more favorably situated and is forging ahead rapidly, due to the valued support of the organizations interested in the advancement of American legal scholarship and particularly to the increasing appreciation by the Congress of the requirements of the national legal collections. On account of the exceptional conditions in Europe, unusual opportunities for the acquisition of important items in the fields of early legal literature and continental law constantly present themselves. Under the circumstances, a further increase of the annual appropriations for a few years, at least, would be productive of a rapid upbuilding of the collection at a time when prices are at their lowest.

The proof of this is indicated graphically in the increase shown in the number of accessions by purchase during the current year, which exceed that of the year 1936-37 by 5,695 volumes. It was possible to acquire this additional number only through the increase in the appropriations for 1937-38, amounting to \$20,000.

In addition, a substantial increase is noted in the number of volumes of official documents received, due largely to the efforts of Mr. Childs, the Chief of the Document Division, in extending the field of international exchange, particularly among the republics of Latin America. In the matter of state session laws and court reports, considerable improvement also is shown in the promptness with which copies are being received, as well as in the increase of their number. The Law Library, on the other hand, has been able to supplement the collection

of documents by the purchase of several scarce sets of official journals containing indispensable legal source material.

Americana

During the past year an unusual number of Americana were acquired by the Law Library, including much scarce and valuable colonial, territorial and state material. So far as the Law Library has been able to determine, certain of these books, now for the first time on our shelves, are not represented by copies in other libraries, while of a number almost as rare only one, two, three, or four copies are known to exist elsewhere. An outstanding example of this class of material is the following:

The Charter of the city of New York; printed by order of the mayor, recorder, aldermen and commonalty of the city aforesaid. To which is annexed, the act of the General assembly confirming the same. New York, Printed by John Peter Zenger, 1735. 52 p. fol. (Church 920, Evans 3942, Sabin 54165)

Zenger, who set up the second printing press in the city of New York, was the defendant in the famous libel case in which the principle was first established that, in prosecutions for libel, the jury are the judges of both the law and the facts in the case. He was acquitted on August 4th, 1735, and in the August 11th issue of his newspaper, *The New York Weekly Journal*, the following notice appeared: "The printer now having got his liberty again, designs God willing, to finish and publish the Charter of the City of New-York next week."

This is the first printed edition of the famous Montgomerie Charter and the handsomest specimen of printing from Zenger's press.

Among other acquisitions are the following:

UNITED STATES SESSION¹⁷⁷ LAWS

- 1st Congress, 3d session, Richmond [1791]
- 2d Congress, 1st session, Richmond, 1792
- 2d Congress, 2d session, Richmond, 1793
- 3d Congress, 1st session, Richmond, [1794]
- 4th Congress, 1st session, Richmond, 1796
- 5th Congress, 3d session, Richmond, 1799
- 6th Congress, 1st session, Richmond, 1800
- 6th Congress, 2d session, Richmond, 1801
- 7th Congress, 1st session, Richmond, 1802
- 8th Congress, 2d session, Richmond, 1805

The Law Library was fortunate in procuring so many Richmond imprints. This scarce material is seldom offered for sale and rarely does the Law Library have the opportunity of purchasing more than one at a time. The above items are an important addition to our collection of this special group and go far towards completing it.

Argument in the case of A. Coquillard, assignee of J. Bertrand against the Potawatowmie Indians, and in reply to the opinion of the second comptroller of the

Report of the Librarian of Congress, 1938

Treasury, involving questions in regard to the jurisdiction of the accounting officers of the Treasury over the decisions of the secretaries of the several departments, and the commissioner of Indian affairs. By R. W. Thompson, attorney for Coquillard. Washington, Printed by Gideon and Co., 1851.

ALABAMA

The Constitution of the state of Alabama. Adopted August 2d, 1819. Huntsville, Printed by John Boardman, [1819]. (Sabin 557)

This is the first constitution of the state of Alabama, adopted by the Convention assembled July 5, 1819, under a Congressional enabling act dated March 2, 1819. The edition was limited to 1,044 copies. (Thomas M. Owen, *Alabama Official and Statistical Register, 1903*, Montgomery, Brown Printing Co., 1903, p. 119.)

CALIFORNIA

Land titles in California. Argument before the Commission on private land claims in California, in the case of Cruz Cervantes, claiming the rancho of Rosa Morada, delivered on Friday and Saturday, 4th and 5th, June, 1852. By William Carey Jones, of counsel for claimant. San Francisco, Monson, Haswell & Co., Printers, 1852.

Report of the Committee on claims, on the claim of the city of Sacramento ag'st the state of California. Submitted March 14, 1855. [Sacramento] B. B. Redding, State printer.

Report of the argument made by William J. Shaw of California, in the case of Hart (Jesse D. Carr) vs. Burnett et al., involving the validity of Peter Smith titles, and the question of titles in the old missions and villages of California. Delivered at Sacramento, on the 8th, 9th, 10th, and 12th of December, 1859. Reported by Charles A. Sumner. San Francisco, Commercial Book and Job Steam Printing Company, 1860.

Memorial of Thos. H. Dowling, and accompanying papers, in regard to his claim to the island of Yerba Buena, in the harbor of San Francisco, California, [n. p., 1868].

One of the interesting features of the argument was that the government had acknowledged Dowling's claim by making a contract with him to supply rocks from Yerba Buena to build Fort Alcatraz.

CONNECTICUT

Acts and laws of His Majesty's English colony of Connecticut in New-England in America. New London, Printed and sold by Timothy Green, printer to the governor and company of the aforesaid colony, 1754. 297 p. (Evans 7172)

Only one hundred and two copies of this compilation were printed. The table of contents does not carry the text beyond p. 284.

At a General assembly of the governor and company of the English colony of Connecticut, in New-England in America, holden at Hartford, in said colony on the second Thursday, of May, in the 15th year of the reign of His Majesty George the Third, king of Great-Britain, &c. A. D. 1775.

An Act for regulating and ordering the troops that are, or may be raised, for the defence of this colony. [New London: Timothy Green, 1775] 19 p. (Evans 13874, Sabin 15674)

Evans records only one copy. The Union Catalog contains no reference to it. Connecticut claim. Part I. Jurisdiction and state's right of soil. [Lancaster] William Hamilton, [1802?] Broadside. fol.

GEORGIA

An opinion on the claims for improvements, by the state of Georgia on the Cherokee nation, under the treaties of 1817 and 1828. By William Wirt, Esq. New Echota, printed for the Cherokee nation at the office of the Cherokee Phoenix and Indians' Advocate, Jno. F. Wheeler, printer, 1830.

MASSACHUSETTS

Province of Massachusetts Bay. Temporary acts. April, 1759 to May, 1761, p. 401-414, 417-455, 499-504.

This material fills an important gap in the Law Library collection of Massachusetts Bay temporary acts.

At the Court at Whitehall, the 20th of July, 1683. Present the Kings most excellent Majesty, Lord Archbishop of Canterbury, et al. The Right Honourable the lords of the Committee for trade and foreign plantations, having this day presented to the Board a report concerning New England, etc. London, Printed by the Assigns of John Bill deceas'd; and by Henry Hills and Thomas Newcomb, printers to the Kings most excellent Majesty, 1683. fol.

This is the official order in council respecting the issue of a writ of *quo warranto* against the charter of the colony and His Majesty's declaration concerning it, to the effect that the charter should be surrendered without opposition.

Proceedings of the Convention begun and held at Concord, in the state of Massachusetts Bay, on the sixth day of October, A. D. 1779, (in pursuance of the recommendation of a Convention held in said place in July last) to "take into consideration the prices of merchandise and country produce, and make such regulations therein, as the public good might require." Boston, Printed by Benjamin Edes and Sons, in State-Street, [1779]. 4 p.

NEW JERSEY

An answer to a bill in the Chancery of New-Jersey, at the suit of John Earl of Stair, and others, commonly called proprietors of eastern division of New-Jersey, against Benjamin Bond, and others claiming under the original proprietors and associates of Elizabeth-town. . . . New York, James Parker, 1752. (Sabin 53066, Evans 6808, Church 982)

"The answer to the Bill in Chancery was filed in 1751 and printed in 1752,—the counsel for the defendants being William Livingston, afterward Governor of New Jersey, and William Smith, Jr., who became Chief-Justice of New York, and subsequently, after the war of Independence, Chief-Justice of Canada. The copies now extant are very rare. Although not as voluminous it was fully as prolix as the document which prompted it. Notwithstanding the great amount of labor which this case required both in its preparation and argument,

Report of the Librarian of Congress, 1938

it was never brought to a conclusion. The Revolution of 1776 effectually interrupted the progress of the suit, and it was never afterward revived. Both bill and answer, however, and other smaller publications which resulted from the trial of the case, must ever be considered as valuable historical documents, emanating as they all did from parties more or less interested in the questions involved, and consequently earnestly desirous of eliciting every fact that could throw any light upon them." (Justin Winsor, *Narrative and Critical History of America*, Boston & New York, Riverside Press [1889], v. 3, p. 452)

The bill of complaint in the Chancery of New Jersey, brought by Thomas Clarke, and others, against James Alexander, Esq., and others, commonly called the proprietors of East New-Jersey. Wherein the title of the people of Elizabethtown, to the controverted lands, is fully exhibited, and the objections of the pretended proprietors, stated, and refuted. New York, printed by William Weyman, 1760. fol. (Sabin 53075)

A bill in the Chancery of New Jersey, at the suit of John Hunt, against William Earl of Stirling, and others, proprietors of the eastern division of the province of New Jersey. Philadelphia, printed by William Goddard, at the New printing office in Market-Street, 1767. (Not recorded in Evans or Sabin.)

A brief of the claim on the part of the province of New-Jersey, and of the proof offered in support of it, before the commissioners, appointed by His Majesty, for settling the boundary line and the province of New York. [New York, James Parker, 1769] (Evans 11356, "one of only four copies located")

To the Honourable, the commissioners, "Appointed by His most gracious Majesty, for ascertaining, settling, and determining, the boundary, or partition line, between the colonies of New York, and Nova-Caesarea, or New Jersey." [New York, James Parker, 1769]

The Union Catalog lists copies in the New York Public Library, and the Library Company of Philadelphia only.

The plea and answer of the Right Honourable William Earl of Stirling, and others, proprietors of East New Jersey, to John Hunt's bill in chancery. New York, Printed by John Holt, at the Exchange, 1770. (Evans 11765)

A supplement to the Act, intituled "An Act for running and ascertaining the line of partition or division between the eastern and western divisions of the province of New Jersey, and for preventing disputes for the future concerning the same, and for securing to the general proprietors of the soil of each of the divisions, and persons claiming under them, their several and respective possessions, rights, and just claims." [Burlington, Isaac Collins, 1773] Double broadside.

This is an unrecorded issue with the fifteen resolutions unnumbered, unknown to Sabin and Evans. Not found in Union Catalog.

A bill in the Chancery of New-Jersey, at the suit of Samuel Smith, Esq., one of the treasurers of New-Jersey, against Archibald Kennedy, Esq. and others. Burlington, Printed by Isaac Collins, 1773. fol. (Not recorded in Evans.)

A bill in the Chancery of New-Jersey at the suit of Robert Barclay, against William earl of Stirling, and others, proprietors of the eastern division of the province of New-Jersey. Burlington, Printed by Isaac Collins, 1773. fol. (Evans 12882, Sabin 53074)

NEW YORK

An Ordinance for regulating the recording of deeds and other writings. [New York, William Bradford, 1723] (Evans 2469)

An Ordinance for establishing and regulating the holding of the inferiour courts in the several counties within the province of New York. [New York, William Bradford, 1729] Broadside. fol.

Laws of New York. 30th Assembly, 7th session. Chapters 53-128. p. 81-202. New York, Printed by H. Gaine, 1775. fol. (Evans 14292)

The Constitution of the state of New York. New York, Printed by Samuel London, 1783. 43 p. (Evans 18059, Sabin 53626)

This is the first New York edition and probably the earliest obtainable edition of the Constitution of New York, as no copies of the Fishkill or Philadelphia editions are available for sale.

An Act to amend an Act entitled An Act for regulating elections. Passed 27th March, 1799. [Albany, Loring Andrews & Co., 1799] fol.

Two reports of a committee of His Majesty's Council for the province of New-York relating to the controverted line between that province, and New Jersey. New York, Printed and sold by J. Parker, at the New printing-office in Beaver-street, 1754. (Evans 7276)

A memorial of some of the part-owners and proprietors of the patents of Minisink and Wawayanda, bordering on the crown-lands in the colony of New-York, that lie between those patents and the true boundaries of New Jersey. New York, printed and sold by J. Parker and W. Weyman, at the New-printing office in Beaver street, 1757. fol.

One of only three copies located, the others being in the New York Historical Society and the Library Company of Philadelphia.

The managers on the part of New York, beg leave to suggest to the Court, that in their claim filed in pages 8, and 9, of the said claim, it is by mistake expressed that they in behalf of the colony of New York, and in respect of the King's seignory and property, do claim as a boundary between the colony of New-York, and New-Jersey a straight and direct line from latitude of forty one degrees on Hudson's river to the head of Delaware bay. [New York, Hugh Gaine, 1769] Broadside. fol. (Evans 11372)

The only copy recorded by Evans is in the Library Company of Philadelphia. Not found in the Union Catalog.

An argument delivered on the part of New-York, at the hearing before His Majesty's commissioners, appointed by his Royal commission under the great seal of Great Britain, bearing date the 7th October, 1767, to settle and determine the boundary line, between the colonies of New-York and New-Jersey. [New York, Hugh Gaine], 1769.

This is one of four copies located.

To the Honourable His Majesty's commissioners for settling the partition-line, between the colonies of New-York and New-Jersey. A plain and full state of the demands and pretensions of His Majesty's colony of New York, against the proprietary colony of Nova-Caesarea, or New-Jersey, respecting the boundary line, to be settled and ascertained between the said two colonies, etc. [New York, Hugh Gaine, 1769] fol. (Evans 11371)

Report of the Librarian of Congress, 1938

In the Court for the trial of impeachments and the correction of errors. Between John Slegt and Cornelius Slegt, plaintiffs in error; and Richard Hartshorne, and others, defendants in error. Case on the part of the defendants in error. Albany, Webster and Skinner, [1804] 8 v.

OREGON

Laws of a general and local nature passed by the Legislative committee and Legislative assembly, at their various successive sessions from the year 1843, down to and inclusive of the session of the territorial Legislature, held in the year 1849; except such laws of said session as were published in the bound volume of Oregon statutes, dated Oregon City, 1851. Collected and published pursuant to an Act of the Legislative assembly, passed January 26, 1853. Salem, Oregon, Asahel Bush, 1853. 218 p., Index 3 p.

PENNSYLVANIA

A bill for importing salt, from Europe, into the province of Pennsylvania in America. [London, 1728] fol.

A collection of charters and other public acts, relating to the province of Pennsylvania. Philadelphia, Printed and sold by B. Franklin, 1740. 46 p. fol. (Evans 4583, Church 936)

Anno regni Georgii II. regis Magnae Britanniae, Franciae, & Hiberniae decimo septimo. At a General assembly of the province of Pennsylvania, begun and holden at Philadelphia, the fourteenth day of October, anno Dom. 1743, in the seventeenth year of the reign of our sovereign lord George II. And from thence continued by adjournments to the seventh of May, 1744. Philadelphia, printed and sold by B. Franklin, at the New-printing-office, near the market, 1744. 22 p. fol.

Abstract of the laws of Pennsylvania now in force relative to excise. July, 1786. Taken from a digest of John Nicholson, esquire, comptroller-general for the state of Pennsylvania. Philadelphia, Robert Aitken, 1786. (Evans 19882)

The case of the heir at law and executrix of the late proprietor of Pennsylvania &c in relation to the removal of Sir William Keith, and the appointing of Major Patrick Gordon to succeed him as deputy-governor there. [London, 1726] fol.

The Case of the Inhabitants of Pensilvania. [London, 1760] Broadside.

This broadside refers to the Pennsylvania Currency Act. It may well be that this statement of the situation in Pennsylvania was written by Benjamin Franklin, who was then certainly the most prominent citizen of that colony in London and who was known to have expressed an opinion on the Currency Act conforming to the present statement.

John Fothergill, M. D., and others, the surviving trustees for the Pennsylvania land company in London, appellants. Christopher Stover, respondent. Appendix to the appellants case. [London, 1766]

John Fothergill, M. D., Daniel Zachary, Thomas How, Devereaux Bowley, Luke Hind, Jacob Hagen, Silvanus Grove, and William Heron, the surviving trustees nominated and appointed by an Act of Parliament, passed in the thirty-third year of the reign of His late Majesty, King George, the Second, intituled, "An Act for vesting certain estates in Pennsylvania, New Jersey and Maryland belonging to the proprietors of a partnership, commonly called the Pennsylvania land company in London, in trustees, to be sold and for other purposes therein mentioned", appellants. Christian Stover, respondent. The appellants case. [London, 1766] fol.

Between Timothy Peacable (upon the demise of John Fothergill, Daniel Zachary, Thomas Howe, Devereaux Bowley, Luke Hind, Richard Howe, Jacob Hagan, Silvanus Grove, and William Heron) appellant, and Christian Stover, respondent. The respondent's case. [London, 1766] fol.

Rules and orders for regulating the practice of the Supreme court of the state of Pennsylvania, and expediting the determination of suits within the same. Philadelphia, Printed by Zachariah Poulson, junr, 1788.

At the end many blanks have been bound in which contain manuscript additions to the rules handed down by the Supreme Court after the book had been issued. These were made by Thomas Meason.

Report of the judges of the Supreme court of Pennsylvania, of the English statutes which are in force in the commonwealth of Pennsylvania; and of those of the said statutes which, in their opinion, ought to be incorporated into the Statute law of the said commonwealth. Lancaster, Wm. Dickson, 1809.

When the Constitution of Pennsylvania was adopted, it provided that all laws then in force and not inconsistent with the Constitution should continue. By this report it was suggested that parts of the English statute law which had been in effect up to that time were inconsistent and should be discontinued.

Sheriffalty. Wednesday evening, Philadelphia, August 22d, 1849. At a meeting of the Committee of fifteen citizens, appointed to investigate the corruptions in the administration of law, and taking illegal fees by public officers in the city & county of Philadelphia. [Philadelphia, 1849]

SOUTH CAROLINA

A representation of facts, relative to the conduct of Daniel Moore, esquire; collector of His Majesty's customs at Charles-town, in South-Carolina. From the time of his arrival in March, 1767, to the time of his departure in September following. Charles-town, South-Carolina, Printed by Charles Crouch, 1767. (Evans 10748)

An Act to amend an Act, entitled, "An Act for compleating the quota of troops, to be raised by this state for the continental service." Passed October 9, 1778. [Charles-town, Peter Timothy, 1778] fol.

This may be the only known copy of this Act, as it was not mentioned by Evans, nor is it to be found in the Church, Charlemagne Tower and Russell Benedict collections.

An Act for enlarging the time for taking the oath of allegiance and fidelity, and for other purposes therein mentioned. [Charles-town, Peter Timothy, 1778] fol.

Report of the Librarian of Congress, 1938

There is no record of this Act in Evans, nor is it to be found in the Church, Charlemagne Tower and Russell Benedict collections.

TEXAS

Constitution of the state of West Texas. [Austin? 1869?]

"Prepared by authorization of the resolution of the Texas Constitutional Convention of 1868-1869 appointing Commissioners to present to the federal Congress a request for the division of Texas into two or more states" (*Bulletin of the New York Public Library*, February 1937, p. 93).

VIRGINIA

A collection of the acts of Virginia & Kentucky, relative to the town of Louisville, made under the direction of the trustees, April 21st, 1823. Louisville, Bullen & Hill, 1823.

The collection begins with *An Act for Establishing the Town of Louisville at the Falls of Ohio* (May 1780) and concludes with a separate title-page, with *A Collection of the By-Laws, or Ordinances, Adopted by the Trustees of Louisville* (May 22, 1823).

Great Britain

The Law Library neglects no opportunity to complete its collection of early works on British jurisprudence. Among the notable acquisitions of the current year were the Acts of Parliament of Great Britain from the thirty-third year of the reign of Henry VIII to the first year of that of Queen Elizabeth. The list is as follows:

33 Henry VIII. Anno tricesimo tertio Henrici Octavi. Henry the VIII. . . . vycoryouse reygne, wherein were establyshed these actes folowinge. *Signatures*: A-L⁶, M⁴. (In border, Beale 18, state 3) *Colophon*: Londini ex officina Thomae Bertheleti typis impress. Cum priuilegio ad imprimendum solum. Anno M.D.XLII.

Not listed in Beale. Library of Congress copy has Beale cut 17a.

34 & 35 Henry VIII. London, Barthelet, [1543]. (Beale S 202)

35 Henry VIII. Henry the Eyght by the Grace of God kynge of Englande Fraunce and Ireland . . . beganne this thyrde Session . . . the .XIIII. day of January, in the fyve and thyrty yere of his maiesties . . . reigne . . . Londini, In aedibus Thomae Bertheleti regii impressoris typis excusum. Anno verbi incarnati M.D.XLIIII. Cum privilegio ad imprimendum solum. *Signatures*: A-D⁶, E⁴, F⁴. *Colophon*: Imprinted at London in Fletestrete by Thomas Barthelet prynter to the kynges hyghness, the .IX. daye of Apryll, the yere of Our Lord. M.D.XLIIII. Cum privilegio ad imprimendum solum.

Not listed in Beale. L. C. copy corresponds to Beale S 209 except in signatures.

37 Henry VIII. London, Powell, 1557. (Beale S 212)

1 Edward VI. Anno primo Edwardi Sexti. Statutes made in the Parlamente begon at Westminstre the fowerth daie of Novembre . . . *Signatures*: A-E⁶. F⁸. (In border, McK. 110) *Colophon*: Excusum Londini in aedibus Richardi

Graftoni Regii Impressoris. Anno M.D.xlviii. Cum priuilegio ad imprimendum solum.

Not listed in Beale. Corresponds to Beale S 218, except that the Law Library copy has thirty-eight numbered leaves.

- 2 & 3 Edward VI. Anno secundo et tertio Edvardi sexti. Actes made in the Session of this present Parliament, holden upon prorogation at Westminster, the fourth day of November . . . *Signatures*: A-G⁶, H⁴, I-K⁶, L⁴, M⁶. (In border, McK. 110) *Colophon*: Richardus Graftonus, Typographus Regius Excudebat. Anno Domini, 1552. Cum priuilegio ad imprimendum solum.

Not listed in Beale. The Law Library copy corresponds to Beale S 223, except words "present parliament, holden upon prorogation" are on one line.

- 3 & 4 Edward VI. Anno III. & IIII. Edwardi sexti. Actes made in the Session of this present parliament, holden upon prorogation at Westminster, the .iiii. daie of Novembre . . . *Signatures*: A-D⁶, E-F⁴. (In border, McK. 110) *Colophon*: Imprinted at London by Rychard Grafton, Printer to the Kinges Maiestie. 1553. cum priuilegio ad imprimendum solum.

Not listed in Beale. The Law Library copy corresponds to Beale S 227, except that it has thirty-two numbered leaves.

- 5 & 6 Edward VI. Anno quinto et sexto Edvardi Sexti. Actes made in the Session of this present parlamente, holden upō prorogacion at Westminster, the .xxiii. daye of Januarye . . . *Signatures*: A-E⁶, F⁴. (In border, McK. 110) *Colophon*: Richardus Graftonus, typographus Regius excudebat. Mense Iunij. Anno. M.D.LII. Cum priuilegio ad imprimendum solum.

Not listed in Beale. The Law Library copy corresponds to Beale S 233, except that it has thirty-two numbered leaves.

- 7 Edward VI. Anno septimo Edwardi sexti. Actes made in the Parliament holden at Westminster, the first daie of Marche . . . *Signatures*: A-F⁶, G-H⁴. (In border, McK. 110) *Colophon*: (fine italics) Londini, in aedibus Richardi Graftoni typographi Regii Excusum. Mense Aprilis. Anno Domini M.D. LIII. Cum priuilegio ad imprimendum solum.

Not listed in Beale. The Law Library copy corresponds to Beale S 236, except that it has an italicized colophon.

- 1 Mary. 1st Parliament. 1st and 2d sessions. Anno Mariae Primo. Actes made in the Parliament begonne and holden at Westminster the v. daye of October . . . Cum priuilegio Regiae Maiestatis. Actes made in the Second and last Session of this present parliament, holden upon prorogation at Westminster, the xxiiii. daye of October . . . *Signatures*: A-D⁶, E⁴. (In border, Beale 18) *Colophon*: Excusum Londini in aedibus Iohannis Cawodi typographi Regiae Maiestatis. Anno M.D.LIIII. Cum priuilegio ad imprimendum solum.

Not listed in Beale. The Law Library copy corresponds to Beale S 241 except that it has twenty-seven numbered leaves and one blank leaf.

- 1 Mary. 2d Parliament. Cawodi, M.D.LIIII. (Beale S 245)

- 1 & 2 Philip and Mary. Londini, Cawodi, M.D.LV. (Beale S 253)

- 2 & 3 Philip and Mary. Anno secūdo et tertio Philippi & Mariae. Actes made at a Parliament begon and holden at Westminster the xxi day of October . . . Cum priuilegio Regiae Maiestatis. *Signatures*: A-I⁶, K⁴. (In border, Beale 38)

Report of the Librarian of Congress, 1938

Colophon: Excusum Londini in aedibus Iohannis Cawodi, Tipographi Regiae Maiestatis. Anno. M.D.LV. Cum priuilegio ad imprimendum solum.

Not listed in Beale. The Law Library copy has words, "anno secūdo et tertio."

4 & 5 Philip and Mary. Cawodi, M.D.LVIII. (Beale S 264)

1 Elizabeth. Anno primo Reginae Elizabethae. At the parliament begonne at Westmynster, the xxij. of Januarye . . . Anno.1.5.5.9. *Signatures:* A-E⁶, F⁸, A-B⁶, C⁴. *Colophon:* Imprinted at London in Powles Churchyarde, by Richarde Jugge and John Cawood, Printers to the Quenes Maiestie. Anno M.D.LIX. Cum priuilegio Regiae Maiestatis.

Not listed in Beale. The Law Library copy has Beale border 36, with woodcuts at side and foot of title reversed.

Anno primo & secundo Philippi & Mariae. Actes made at a Parliament begon and holden at Westminster the.xi.day of November, in the fyrste and seconde yere of the reigne of our soveraigne lorde and lady, Philippe and Mary . . . *Foliation:* i-x, xiiij-xxxiiij. Leaves xi-xxxii numbered xiiij-xxxiiij. *Colophon:* Excusum Londini in aedibus Ioannis Cawodi Tipographi Regiae Maiestatis. Anno Domini, 1555.

Not listed in Beale. The Law Library copy is in Beale border 38.

TREATISES

The contentes of this boke. Fyrste the boke for a justice of peace. The boke that teacheth to kepe a court baron, or a lete. The boke teaching to kepe a court hūdred. The boke called Returna breuiū. The boke called Carta feodi, cōteining the forme of dedes, releasses, indentures, obligations, acquytaunces, letters of attorney, letters of permutation, testamentes, and other thynges. And the boke of the ordinance to be obserued by the officers of the kynges Escheker, for fees takyng. *Colophon:* Londini in aedibus Thomae Bertheleti typis impress. Cum privilegio ad imprimendum solum. Anno M.D.XLIIII.

This volume is not listed in Beale as an entity, but each item is separately listed and described under T 145, T 194, T 226, T 173 and T 239. Beale locates but one copy of T 226, which is at Harvard.

The great boke of statutes cōteynyng all the statutes made in the parlyamentes from the begynnyng of the fyrst yere of the raigne of Kyng Edward the thyrde tyll the begynnyng of the. xxxiiii. yere of the most gracyous raigne of our soveraigne lorde Kyng Henry the VIII. *Foliation:* ☒⁶, A⁶, B-C⁴, ☒², A-G⁶, H²-H⁴, J-M⁶, N⁴, O-U⁶, X-Y⁴, A-Y⁶, A-H⁶, J-K⁴, A-L⁶. Lacks H¹ and H⁶.

Woodcuts 7 and 8 in Beale [W. Meddleton, 1545]. No. 9288 in *Short-Title Catalogue*. (Not listed in Beale.) "There are no acts of Henry VIII although the title and table mention them" (Clarke, *Bibliotheca Legum*, p. 390, note 24). Only other copy is located in Pepysian Library.

Littleton, Sir Thomas (d. 1481). Lyttylton Tenures newly revised and truly corrected with a table (after the alphabete to fynde out brefely the cases desyred in the same) thereto added very necessary to the reders. Cum privilegio ad imprimendum solum per Septennium. *Colophon:* Imprinted at London in Fletestrete at the sygne of the George by Wylliam Myddylton.

In the yere of our Lorde M.CCCCC.XLV. The xxvi day of Marche. Cum privilegio ad imprimendum solum. (Beale T 18)

The Law Library welcomes this edition, containing the French text, to its growing collection of the *Tenures*. This early English treatise, which Coke designated as the "ornament of the common law," became so popular that it went through seventy editions before the year 1628.¹ It is regarded as the principal pillar whereon rests the law of real property in the Kingdom.

The olde tenures. *Signatures*: A-B⁸. *Colophon*: Imprinted at London in Fletestrete: by Wylyyam Myddylton, dwellynge at the sygne of the George, next to Sainct Dunstones Church. [154-]. (Beale and *Short-Title Catalog* locate only one copy.)

This scanty tract written in the reign of Edward III gives an account of the various tenures by which land was held, the nature of estates and some other incidents to landed property. It possesses the distinction of having led the way to Littleton's famous work.²

Pulton, Fardinando. An abstract of all the penall Statutes which be generall, in force and use . . . collected by Fardinando Pulton of Lincolne Inne Gentleman. In aedibus Richardi Tottelli. Anñ Dominj 1577. Cum priuilegio Regie Maiestatis. t.p.+7+418 1. *Colophon*: Imprinted at London in Fleetestrete, within Temple Barre at the signe of the hand and starre by Richard Tottyl, the first day of November 1577. Cum privilegio.

Not listed in Beale. In the Library of Congress copy the fifth word in the second line is spelled "generall."

While Pulton's work represents an early effort to collect the statutes dealing with a particular topic, it was not the pioneer in the field. A collection of the statutes to be executed by the justices of the peace had been published as early as 1538 by Berthelet. Pulton's work, however, was a practical and successful book and was reprinted a number of times.³

Hughes, William. Parsons law: or, a view of advowsons, wherein is contained the rights of the patrons, ordinaries and incumbents, to advowsons of churches, and benefices with oure souls . . . The third edition, reviewed and much enlarged by the author in his lifetime . . . London, Printed for W. Leak, T. Basset, S. Heyrick and G. Dawes, 1673.

This treatise was written in 1634 at the request of some eminent men of the clergy, to whom several manuscript copies were presented. It was not published, however, until the year 1641.

Canada

The Charter of the city of St. John, in the province of New Brunswick. New Brunswick, Lewis and Ryan [1785]. 42 p.

New Brunswick Session Laws

1st Assembly, 1st session, 1786	1st Assembly, 4th session, 1789
1st Assembly, 2d session, 1787	1st Assembly, 5th session, 1791
1st Assembly, 3d session, 1788	1st Assembly, 6th session, 1792

¹ W. S. Holdsworth, *A History of English Law*, v. 5, p. 388(ii).

² Reeves, *History of the English Law*, Philadelphia, 1880, v. 3, p. 346.

³ W. S. Holdsworth, *A History of English Law*, v. 4, p. 312.

France

COLLECTIONS OF ORDINANCES

Regularly published organs for the promulgation of laws were not established in France until after the French Revolution. The *Gazette nationale, ou Moniteur universel*, was initiated in 1789 and the *Bulletin des lois* in 1794.

Prior to the eighteenth century the printing of royal ordinances, edicts, etc. was somewhat sporadic and, although during the last century of the *ancien régime* most of the acts of the sovereign were printed, they appeared separately without any continuity of numbers. Several compilations of royal acts were prepared and printed, beginning with the sixteenth century, but none of them is absolutely complete. This is true even of the most comprehensive ones, such as the so-called *Recueil des ordonnances du Louvre* (*Ordonnances des roys de France de la 3^e race*), 21 v., 1723-1849, and the *Recueil général des anciennes lois françaises*, 29 v., 1821-33, edited by Jourdan, Decrusy and Isambert.⁴

Therefore, the early editions of individual ordinances, edicts and other royal acts have a substantial value for reference purposes, in addition to their worth as fine specimens of the distinctive artistry of early French printers. A number of sixteenth- and seventeenth-century editions of individual royal acts were purchased this year, some of which have not been reproduced in the general compilations mentioned above.

Moreover, an important improvement of our collection of officially published individual laws printed in the seventeenth and eighteenth centuries was effected during the current year. The collection was far from complete and we had considerable difficulty in filling the gaps because the laws are seldom available separately, while the acquisition of whole sets would duplicate the material already on the shelves of the Law Library. We were fortunate during the current year in locating a collection of separately printed laws of this period, from which we acquired a selection of some 2,000 items.

Among the early pre-eighteenth century individually printed ordinances, edicts and other royal acts, the following are worthy of mention:

Ordonnances Royaulx sur le faict de la Iustice & abbreuiation des proces par tout le Royaulme de Frāce, faictes par le Roy nostre sire, Et publiees en la court de

⁴ Both of these compilations are in the possession of the Law Library.

Parlement a Paris, le sixiesme iour du Moys, de Septembre Lan Mil cinq cens XXXIX. Auec Priuilege [Paris, Galliot Dupré] M.D.XXXIX. Coat of Arms of France.

Ordonnances Royaulx sur le faict de la Iustice & abreuatiō des proces par tout le royaulme de Frāce, faictes par le Roy nostre sire: Et publiées en la court de parlement à Paris, le sixiesme iour du moys de Septēbre, L'an mil cinq cens XXXIX. Auec priuilege. Imprimées à Paris pour Pōcet le preux & Arnould L'angelier Libraires [1539, date of the privilege, on verso of title-page]. Printer's mark.

These are the two editions of the sixteenth-century French ordinance promulgated by Francis I in Villers-Cotterets. It contains 192 articles devoted to the most important provisions in the field of ecclesiastical law, private law and criminal procedure. (Glasson, VIII, 168) Various editions made in different cities appeared in 1539, the year when the ordinance was issued. Besides the two editions acquired, Baudrier mentions a third, printed in Lyons, while Gavet (248) mentions only the Paris edition issued by Galliot Dupré.

Les ordonnances royaulx nouuellemēt publiees a paris de par le roy Loys douziesme de ce nom Le. xxvi. iour du moys Dauril mil CCCCC & douze. Cum priuilegio.

[Paris, Jean Petit, 1512] Printer's mark of Jean Petit. *Colophon*: Lecta publicata & registrata Parisiis in parlamēto vicesimaseptia die aprilis Anno dni Millessimo quingētesimo duodecimo. The contents of the above are not reprinted either in the *Recueil du Louvre* or in the *Recueil* of Isambert.

Ordonnances du treschrestien Roy de frāce Francoys premier de ce nom reduictes par titres & articles & ordre selon les matieres ordonnees estre gardees & obseruees en ces pays de prouēce forcalquier & terres adiacētes selon & en ensuyuāt la reformation par luy faicte sur le faict de la iustice desdictz pays lan mil cinq cens trēte cinq . . . *Colophon*: Ces presentes ordonnances ont este imprimees en Auignon par Jehan de channey Lan de grace Mil cinq cens xxxvj. au moys Daoust.

The above item is the last book printed by the Lyons printer, Jean de Channey, who was also *artium magister*, *baccalaureus in legibus et in decretis licenciatus* and the author of *Textus sacramentorum*, which went through several editions printed, strange as it seems, by other publishers. He was the first in Lyons to use Greek characters and those employed in musical scores. According to Baudrier (X,294,303), the books from his press are very rare.

Ordonnance de Lovis XIV. Roy de France et de Navarre Sur le fait des Eaux & Forests. Verifiée en Parlement & Chambre des Comptes, le treizième Aoust, mil six cens soixante-neuf. A Paris, Chez Pierre Le Petit, Iacques Langlois, Damien Fovcavlt, & Sebastien Mabre-Cramoisy, Imprimeurs ordinaires du Roy. M.DC.LXIX. Avec Privilege de Sa Maiesté.

This is the first edition of the famous forestry enactment prepared by Colbert. The remarkable series of laws enacted by Louis XIV of France was initiated by the *Ordonnance* on Civil Procedure, which was followed by the Forestry *Ordonnance* described above.

Bugnyon, Philibert . . . Traite des loix abrogees et invsitees en tovttes les Cours, terres, iurisdiccions & seigneuries du royaume de France, redvit en cinq livres, povr la septieme edition. A Lyon, par Charles Pesnot. M.D.LXXVIII.

Report of the Librarian of Congress, 1938

Auec priuilege du Roy. Woodcut coat of arms on title-page and woodcut portrait of the author on verso of fourth preliminary leaf.

Although this copy is of the "septième édition," only two earlier editions are listed in the catalog of the Bibliothèque Nationale (tome 21, p. 144-145), those of 1563 and 1572, the latter of which is listed as the third. Another reprint appeared in 1602. There was also a Latin version of the work which appeared first in 1564 and was reprinted several times afterwards. (Camus-Dupin, no. 1468, 1469)

Edict, et loy perpetuelle: concernant restitution du bestail & conduicte de l'eau des Moulins, faict par le Roy pour le pays de Prouence. Publié à Aix, le xx.iour d'Octobre. M.D.XLVII. Auec quelques Statutz Prouuensaulx, concernantz le droict des legitimes, & supplement d'icelle Auec Priuilege. On les vend à Aix, par Angelin Iaqui, pres la grand porte du Palais, deuers les Iacopins. Printer's mark of Angelin Jaqui.

The authorities on the history of French printing formerly held that it was first introduced in Aix-en-Provence in 1552 (Deschamps) or even 1574 (Henriey). However, the present volume places the origin of printing in that city at 1547, and thus the above acquisition appears to be the first known book printed there. Its discovery in 1936, when it was announced for sale at auction, aroused considerable interest and Jacques Mégret contributed a discussion on the book which, under the title, "Le Premier Livre Imprimé à Aix-en-Provence?", appeared in *Arts et métiers graphiques*, November 1936, no. 55, p. 66-68. Several passages of the book are in the Provençal dialect.

Magdalene, Germain de la. Epithome de Plvsievr Edicts, ordonnances, mandemens & commissions de Roy, arrests de parlement & sentences de chastellet: . . . commençant au Roy Philippe de Valois quatriesme, le dishuictiesme de Decembre, mil trois cens vnze, iusques à present: concernant le faict de la iustice & police de Paris; . . . Avec Privilege, A Paris, Pour Charles l'Angelier, libraire iuré de l'Vniuersité de Paris, 1557.

Sensuyent les Taux moderatiōs sallaires & emolumēs des greffiers du parlement des aduocatz procureurs & greffiers des lieutenāns des iuges ordinaires des huissiers & sergens auecques le grand arrest dōne par nostre treschrestien Roy de France touchāt la confirmation de la Justice et ordōnāces de ce p̄sent pays de Prouēce et la moderation des Amendes de douze vingt liures en cas derreur & de mises aux premieres ordōnāces de ce parlemēt de Prouence. Auec les villes & chasteaulx de Prouence extraictes par maistre Anthoine Arena. Auec Priuilege. Title within an ornamental woodcut border with the coat of arms of France. *Colophon*, on verso of p. Eij: Cy finissent les ordonnances nouuellement imprimees a Lyon le. xxiiij.iour du moys de May lan de grace mil cinq cens xxxx.

This edition is not cited by Brunet, and was printed at Lyons by the successor of Claude Nourry, Pierre de Sainte-Lucie, called Le Prince (Baudrier, XII, 180-181).

Les Taux que prendront les gens de Iustice au pays de Daulphiné, pour leur uaccations & labeurs, tant en Parlement, Bailliages, Seneschaulchees, que aultres inferieures iurisditiōs, Ordōnez par le Roy Daulphin sur laduis de la Court de Parlemēt du Daulphiné, Publiez à Grenoble le iiii. de Nouembre, M.D.XLI. Imprime a Vienne par Mathias Bonhomme, demeurant pres la

Table ronde. Auec priuileige. Coat of arms of Dauphiny on title-page.

Not reprinted in the *Recueil* of Isambert, this is one of the six books printed in Vienne (Dauphiny) by Mathieu (or Mace) Bonhomme during his fourteen months' stay there, although he was established in Lyons. His works were famous for their artistic initials designed by Reverdi. He made use of seven different printers' devices. Baudrier (X, 210) lists only two known copies of the above item.

COUTUMES

The *anciens coutumes* of France form an important part of the foreign legal material from the historical and sociological as well as juridical point of view. The deficiencies in the collection of the Law Library in the sources of the ancient French customary law are serious. For instance, of the nearly four hundred *coutumes* in force after the close of the sixteenth century, hardly twenty-six of the contemporary editions were in the possession of the Library and, of the one thousand works on customary law listed in the catalog of the Bibliothèque Nationale in Paris, the Law Library collection counted hardly seventy-five. Moreover, it had less than ten editions of the *coutumes* printed in the sixteenth century, when the majority of them were promulgated. During the current year a number of items were located and the additions made improved the research value of the collection considerably. Consequently, when during this year a number of these works were located at auctions and in dealers' catalogs, the opportunity was seized to improve our collection.

Although the *coutumes* were originally unwritten local customary laws, beginning with the thirteenth century some of them were committed to writing by private compilers. These are the so-called *anciens coutumes*. However, an official project for compiling the customary laws was initiated by Charles VII in the sixteenth century and carried on by his successors until the eighteenth century, when the project began to lapse. The largest number of these customary laws was promulgated at the beginning of the sixteenth century, but many of them were subjected to later revisions. Their collection was entrusted by order of the King to able jurists, a certain established procedure being followed. Some of the *coutumes* were passed by the Provincial Estates and deposited with the Parlement of Paris, while others obtained the royal sanction. In the words of Montesquieu, the result was that they became written law, were made more general and received the stamp of royal authority (*Esprit des Lois*, livre XXVIII, chap. 45, 3).

The *coutumes* brought into existence voluminous commentaries and

Report of the Librarian of Congress, 1938

actually supplied the substantial part of the foundation of French jurisprudence and the Napoleonic Code, the latter being to a great extent a unification of the various customary laws, no less than an expression of the new legal ideas germinated by the French Revolution of 1789.

Among the *coutumes* received during the current year the following are worthy of mention because of their reference value, no less than their artistic typography:

ANGOUMOIS

Gandillaud, Pierre. Exposition sommaire syr les covstvmes de la dvché et seneschavssée d'Angoumois. A Paris, chez Michel Sonnivs, ruë S. Iacques à l'escu de Basle. CI CIOIIC [! 1598] Avec Privilege.

These *coutumes* were promulgated in 1524 and never revised after that. The present edition is not merely an exposition thereof but also a commentary on the original text. It was reprinted in this form in 1614. (Camus-Dupin, no. 1190.1)

AUVERGNE

Covstvmes dv havt et bas pays d'Avvergne. Avec la Paraphrase de M. Iean de Basmaison Pougnet . . . & les Notes de M. Charles du Moulin. Qvatriesme edition. A Clermont, par Iean Barbier, M.DC.LXVII. Super *ex-libris* of Michael Raimundi, Savoy minister to France from 1745 to 1749.

The paraphrase by de Basmaison included in this edition was written in 1590 and, although Glasson classes these customary laws with those forgotten in later periods, they were very popular at the time of their compilation. The edition acquired is the fourth and last, revised and augmented by Maître Guillaume Consul, the earlier ones having appeared in 1608, 1628 and 1638. (Glasson, VIII, 66, note 4; Camus-Dupin, no. 1194.6)

BERRY

Consuetudines inclite ciuitatis & septene Biturigū per egregiū virū magistrū Nicolaū boerij iuris vtriusq3 liceñ. de mōte pesulano ac serenissimi francorum principis in suo magno consistorio cōsiliariū ordinariū glosate . . . per ipm Boerij nouiter editis. Cum priuilegio. *Colophon*: Expliciunt consuetudines inclite ciuitatis et septene Byturigum. Impresse. Anno Domini. M.CCCCC.ix. die vero xxv. mensis octobris. Printer's mark of Simon Vincent of Lyons on last page. Title-page in black and red, with coat of arms of Jean de Gannay, to whom book is dedicated.

Covtvmes generales des pays et dvché de Berry. Auec les annotations de Gabriel Labbé. A Bovrges, Chez Ambrois Brillard, 1579.

The *Coutumes du Berry* were officially compiled and promulgated in 1539, some of the provisions provoking sharp attacks because of the incorporation of elements of Roman law. Before and after their unification, these *coutumes* produced a number of important commentaries, among which those by Nicholas Boyer (Boerius) and Gabriel Labbé, both described above, are mentioned by Glasson (VIII, 63) among the most important ones. Boyer, or Boerius (1469–1538), among the outstanding Romanists of France, was a professor at the

University of Bourges and later president of the Parlement de Bordeaux. His commentary is concerned with the *Coutumes du Berry* as they were prior to their unification and official sanction.

The edition of Boyer's commentary of 1509 provoked a controversy among the French bibliophiles as to whether or not it was the first. Brunet was unaware of its existence and considered the edition of 1512 to be the first, while Duchamps (*Dictionnaire de géographie*, col. 140), quoting a description of the edition of 1509 given by Professor Delaunay from a copy in the Library of Rennes, believed it to have been the first. Our copy conforms to this description. However, the printer's mark at the end belongs to Simon Vincent, the famous publisher and printer who flourished in Lyons from 1509 to 1525 (Vingtrinnier, *Histoire de l'imprimerie en Lyon* [1894] p. 155-6), while it seems that Duchamps erroneously attributed it to d'Enguilbert de Marnef, of Paris. Moreover, on the title-page of our copy there appears the phrase *nouiter editis*, which puzzled Duchamps because no earlier edition was known to him. Although the auction catalog for the Bibliothèque Ch.-Louis Fièvre (June 1937) pronounced the edition of 1509 as the first, Camus-Dupin (no. 1201.2) mentions an edition published in Lyons in 1508, without describing it in detail, while the photostat catalog of the Bibliothèque Nationale (vol. *Droit, Anonymes*, p. 106) lists an edition similar to the one acquired by the Law Library but without the phrase *nouiter editis* and with the imprint date in the colophon one year earlier, as follows: "Anno Domini M.CCCCC VIII die vero v. mensis septembris." Therefore the copy above described seems to represent a second printing.

BRETAGNE

Coustvmes generalles des pays et dvché de Bretagne, nouuellement reformees & publiees en la uille de Nantes, en la congregation & assemblee des troys Estatz dudict pays, au moys Doctobre, Lan mil cinq cens trenteneuf. . . . Avec Priuilege du Roy. On les uend a Rennes & a Nantes pour Phillippes Bourgoignon, Libraire iure de Luniuersite Dangiers. 1540. Woodcut printer's mark of Bourgoignon, but the real printer, though not named in the book, was Jean Georget (cf. Pasquier, *Imprimeurs et libraires de l'Anjou*, 1932, p. 95-96).

The *coutumes* of Brittany, before they were printed, were first officially compiled and promulgated in 1509 by royal order. The copy of the Law Library is of the first printed edition (1540) of this compilation. It was unknown to Brunet and Camus-Dupin, the latter of whom mentions the edition of 1550 as the earliest, whereas the entry in the photostat catalog of the Bibliothèque Nationale would seem to indicate that our acquisition is of the earliest edition.

This version of the *coutumes* aroused sharp criticism and the result was that a new text was prepared and promulgated in 1580. Containing a series of innovations, the new version displaced the old edition and copies of it became very rare.

BOURGOGNE

Chasseneaux (Chassenaëus), Barthélemi. Consuetudines ducatus Burgundie . . . Tertia recognitio comētariorum in cōsuetudines ducat' Burgūdie precipue: ac totius Gallie secūdario: nuper ab eodem magno apparatu ditatorum: vna cum nouis typis in materia successionum adiectis. Cum priuilegi Regio.

Report of the Librarian of Congress, 1938

Colophon: . . . Exactissimo studio sūmaque diligētia Lugduni in officina Antonij du Ry elegātissimis typis excusa: Anno a Christo seruatore nato octauo et vicesimo vltra sesquimillesimum. Mense Aprili.—Repertorium, 1528. Woodcut title-pages for each of the three parts. Elaborate full-page woodcut printer's device of Simon Vincent of Lyons on the last blank leaf, representing the face of Jesus on Veronica's kerchief, surrounded with scenes from the life of Jesus. The title-page of the Repertorium, within a woodcut ornamental border, consists of medallions with portraits of ten noted jurists, including Bartolus, Jason de Mayno, Paulus de Castro, etc. and on verso the royal privilege within a similar border, with ten other portraits. Numerous woodcut ornamental initials within the text. Printed in two columns, the French text surrounded by Latin annotations.

The *coutumes* of the Duchy of Burgundy were sanctioned by the Duke of Burgundy in 1459 and were followed by a series of commentaries, some of which are of great value. To the latter works, according to Glasson, belong the commentaries of Chasseneaux (1480–1541), one of the outstanding jurists of his time and co-author of the royal *ordonnance* which reformed the administration of justice in Provence in 1535, a copy of which was added to the collection of the Law Library during the past year (*infra*).

The copy recently acquired is executed in a rich, artistically designed type. It is of the second edition, which appears to have remained unknown to Glasson, Camus-Dupin and Brunet. The first edition, according to Brunet and substantiated by the bibliographers of the Bibliothèque Nationale, was printed in 1517 (*Catalogue général des livres imprimés de la Bibliothèque nationale*, t. 27, p. 302). An edition of 1523, mentioned as first by Glasson (VIII, 100) and Camus-Dupin (no. 1210.6), has not been located thus far in any library and its existence may be questioned.

DAUPHINÉ

Statvta Delphinalia nouissime facta, Per supremam Curiam parlamenti presentis patrie delphinatus, Ad mandatum eiusdem impressioni commendata. Statvtz Dv Davlphine nouuellement faictz par la supreme court du parlemēt du daulphine et translates de latin en frācoys pour la utilite des laicz et ruraulx respōdāt de mot en mot au latin a lencōtre mis avec aulcūs statutz de rechief nouuellement faictz. Avec Privilege. [Grenoble, Bonin Balsarin, 1531]. *Colophon*: [on leaf 15] Imprimeza Grenoble Lan Mil cinq cens trēte et ung et le uingt et troysiesme du moys de Iuing. On verso of leaf 15, printer's mark of Bonin Balsarin, of Grenoble. Woodcut initials. French and Latin text in two parallel columns.

This, so far as we have been able to determine, is the only known copy of this rare edition of Dauphiné statutes. Two different printings of the first edition were made during the year 1531 by Bonin Balsarin, both dated June 23. One of them has no printer's mark and contains numerous errors. The other, to which the copy acquired by the Library belongs, is, according to Baudrier, the corrected impression. Our copy conforms with the description by Magnien (*L'imprimerie à Grenoble*, 1883, no. 9, p. 12–13) of the latter. (Magnien, however, seems to have failed to line off the title correctly in the entry he prints.) This edition is listed neither in the catalog of the Bibliothèque Nationale nor in that of the British Museum.

Although in various parts of France *le droit écrit*, i. e. the Roman law, was in effect, some of the provinces and municipalities continued to be governed by their own laws and customs by virtue of authorization granted by *statuts*. (Glasson, VIII, 153)

ÉTAMPES

Coutumes des baillage et prevosté du Duché d'Estampes, commenteés. Ouvrage posthume de M^e Marc-Antoine Lamy . . . A Paris, Chez Henry Charpentier . . . M. DCC. XX. Avec Approbation & Privilege du Roy.

This is the only edition of these *coutumes* mentioned by Camus-Dupin (no. 1229) as well as Glasson (VIII, 50) and listed in the photostat catalog of the Bibliothèque Nationale. Their compilation was ordered by the royal decree of 1506.

LILLE

Les covtvmes et vsages de la ville, taille, banliev et eschevinage de Lille. Avec les Commentaires & Recoeuils de M. Iean le Bovck. A Dovay, de l'Imprimerie de Baltazar Bellere, au Compas d'or, l'An M.DC.XXVI.

This is the first edition of these commentaries, later reprinted in 1665, 1673 and 1687 (Camus-Dupin, no. 1235.1; Glasson VIII, 88, note 1). This edition is omitted in the otherwise quite complete *Bibliographie douaisienne*, by Duthill-oeul, new ed., 1842.

Coustumes et usages de la ville, taille, banlieue et eschevinage de Lille. A Lille. Jean Baptiste de Moitement, 1687.

Described by Danchin, *Les imprimés lillois (1594-1815)*, p. 201, no. 753, this compilation has remained unknown to Camus-Dupin and Brunet and is not listed in the photostat catalog of the Bibliothèque Nationale.

MAINE

Ce sont les coustumes de pays et conte Du Maine publiees par Messeigneurs maistres Thibault baillet President et Jehan le lieure conseiller en la court de parlement a paris Par commission et mandement du Roy nostre sire. *Colophon*: Cy finissent les coustumes du pays & côte du maine imprimees a Paris par Gillet couteau imprimeur Demourant en la rue Des petits champs pres saint iulian Pour Martin le saige Greffier de la seneschauce Du maine le premier iour doctobre Lan mil cinq cēs & neuf. Woodcut of St. Martin on a charger aiding an injured man on verso of title-page. On p. X₆ a woodcut facsimile of the signature of the Greffier Martin Le Saige mentioned in the colophon.

The *Coutumes du Maine* were promulgated in 1508 and were not subjected to later revisions, in spite of a decree to that effect (Glasson, VIII, 77-78). The edition added to our collection is the earliest one listed in the photostat catalog of the Bibliothèque Nationale. The earliest known to Camus-Dupin (no. 1241.1) is that of 1535, whereas Brunet does not mention any at all. The copy lacks leaf Z₁ of the table of contents.

MONTFORT-LAMAULRY

Coutumes du Comté et Bailliage de Montfort-Lamaulry, Gambais, Neauphle-Le-Chastel, Saint-Liger en Yveline, enclaves et anciens ressorts d'iceux. Avec le

Report of the Librarian of Congress, 1938

commentaire de défunt Maître Claude Thourette . . . Donné au Public par les soins de Maître Claude Thourette . . . A Paris, chez Jerosme Robin . . . M.DC.XCIII. Avec Privilege Dv Roy.

The *coutumes* covered in this work concern localities situated within the area where the *Coutume de Paris* was in force, but exempt from its jurisdiction. The above edition and its reprint of 1731 are the only editions of the *coutumes* of Montfort-Lamaulry mentioned by Glasson (VIII, 50).

ORLÉANS

Les coustumes des bailliage & preuosts dorleãs & ressors di ceulx Lesquelles dâcienete ont este vulgairemēt appellees Les coustumes de Lorryz pour ce que Lorryz est vne des chastellenies dudict bailliage ou elle furent Lors redigees par escript. [Paris, Jean Petit ca. 1509] Title-page ornamented with full-page woodcut depicting the presentation of the *coutumier* to the King by five lawyers. Printer's mark of Jean Petit of Paris on last page.

At the opening of the era of unification of *coutumes*, a strong rivalry existed in the Orléanais region between the two *bailliages* of that region, viz., Orléans and Montargis, each of which claimed supremacy for its own customary law over that of the other. The customary law of Montargis was codified in 1494 but not officially sanctioned then. In the meantime, the customary law of Orléans was compiled and promulgated in 1509 in the city of Lorris and consequently became known as the *coutume de Lorris*. However, the *coutume* of Montargis was revised and promulgated in 1531; another revised text was promulgated in 1583 and later annotated by the famous Pothier.

It is uncertain whether this edition is the first or not. It was unknown to Camus-Dupin and Brunet, the latter of whom mentions as the earliest an edition of 1517. The photostat catalog of the Bibliothèque Nationale lists as the earliest an undated edition, the title page of which contains the same text as the edition described, but, while the latter has the printer's mark of Jean Petit on the last page, the former has the mark of Philippe Pigouchet. Both of these editions must have been printed shortly after the royal sanction was granted on October 22, 1509, and one of them must be the first. The edition acquired is not listed either in the Union Catalog or in that of the British Museum.

PARIS

Duplessis, Claude. Traités . . . sur La Coutume de Paris. Troisième édition . . . Avec des Notes de M. M. Berroyer & de Lauriere . . . A Paris, chez Nicolas Gosselin . . . M. DCCIX. Avec Privilege dv Roy.

The *Coutume de Paris* received its first official sanction in 1510 and was revised in 1580. It is one of the most important compilations of French customary law because its compilers sought to make it a nationwide code. Some outstanding jurists wrote commentaries on this *coutume*; that of Duplessis (1626-1683), here described, has remained in high regard. Benefitting by the works of his predecessors and with some measure of originality, Duplessis produced a work of considerable practical value by bringing his notes abreast of contemporary court decisions. His commentary appeared first in 1699. (Glasson, VIII, 47-48)

Texte des coustumes de la prevosté et vicomté de Paris. Nouvelle édition. A Paris, chez Prault pere. M.DCC.XL.
An unannotated pocket edition.

PICARDY

Le Coutumier de Picardie, contenant les commentaires de Heu, de Dufresne & de Ricard, sur les Coutumes d'Amiens: de Gosset, sur celle de Ponthieu: de Le Caron, sur Peronne, Mondidier & Roye: de La Villette, nouveau Commentaire sur les mêmes Coutumes: de Dubours, sur Montreuil sur Mer: de Le Roy De Lozembrune, nouveau Commentaire sur celle de Boulenois; & l'Histoire abregée de la Ville de Boulogne & de ses Comtes . . . A Paris, Aux Dépens de la Societé. M.DCC.XXVI. Avec Privilege dv Roi. 2 v.

The province of Picardy was not governed by a single compilation of customary law but by five general *coutumes*, namely, those of Péronne and Amiens, compiled in 1496 and promulgated in 1567; that of the Boulonnais, compiled in 1495 and never promulgated; that of Calais, promulgated in 1583, and that of Ponthieu, compiled in 1495. There were, in addition, a number of *coutumes* of a more limited local application, governing small territories. The present set is a comprehensive compilation of all the *coutumes* in force in the province of Picardy, as well as of the important commentaries. Among these should be named the work of Ricard and Jean Dufresne, relating to the *coutume d'Amiens*. The edition acquired seems to be the only one known (Camus-Dupin, no. 1271).

PROVENCE

Bomy, Jean de. Recveil de qvelqvcs covstvmcs dv pays de Provence. Avec vn petit traicté de Meslanges . . . Reueu & corrigé de nouveau outre les precedentes impressions. A Aix, Par Charles David, Imprimeur du Roy, du Clergé & de ladite Ville. M.DC.LXV. Avec Priuilege. Woodcut printer's mark on title-page.

This compilation was unknown to Brunet. In Camus-Dupin (no. 1274.1) only two editions of this work are mentioned, the present one and an earlier one of 1620.

TOULOUSE

Coutumes de la ville, gardiage et viguerie de Toulouse en Latin et en François . . . Par M^e Jean Antoine Soulatges. A Toulouse, Chez Dupleix et Laporte, M.DCC.LXX.

The city of Toulouse, although situated in a region where the *droit écrit* was in force, was nevertheless governed by its own customary law. The edition acquired was issued by Soulages. (Camus-Dupin, no. 1286.4; Glasson, VIII, 152, note 1)

TOURAINÉ

Le coustumier de Touraine: nouvellement imprime a Paris. *Colophon*: Cy finist le coustumier de touraine imprime pour Anthoine Verard libraire demourant a Paris. . . . Et a este acheue dimprimer ce presët liure le. xi. iour de mars mil cīq cēs & sept. Woodcut on sig. aij, depicting the rendition of justice.

Report of the Librarian of Congress, 1938

The work on the compilation of the *Coutumier de Touraine* was started by order of King Charles VII in 1460 and was completed soon afterwards, but the royal sanction was not given until 1505. It became the law of Touraine in 1507, when it was promulgated by the provincial assembly of the Estates. The addition to our collection is the earliest edition listed in the photostat catalog of the Bibliothèque Nationale and is of the first edition of the *Coutumier* (Camus-Dupin, no. 1287.1; Brunet I, 7972). It is an outstanding specimen of artistic printing.

Coustvmes dv dvché et bailliage de Tovraine . . . avec les annotations de Maistre Estienne Pallv. A Tovrs, Chez Estienne La Tovr, M.DC.LXI.

The original *Coutumier de Touraine* discussed above underwent a revision in 1559; this edition contains the revised text.

TROYES

Les coustvmes dv bailliage de Troyes en Champaigne. Avec qvelques annotations svr icelles par M. Pierre Pithov. A Paris, Chez Abel l'Angelier. M.DC. Avec Privilege dv Roy. Printer's device.

These *coutumes* were compiled in 1494 and came into force in 1509. The Law Library's acquisition is of the first edition of the *Coutumes de Troyes*, annotated by Pithou, which later was reprinted in 1609, 1628, 1629, 1630 and 1635. Although the annotations of the first edition are attributed to Pierre Pithou, Grosley (*Recherches sur le droit français*) thinks that they came largely from the pen of his brother François, who edited the compilation. (Camus-Dupin, no. 1288.1). The *Coutumes de Troyes* deserve special mention, not only because of the extent of territory wherein they were in force, but primarily because of the scholarly merits of the commentaries thereon, the most important of which are by Legrand and the Pithou brothers (Glasson, VIII, 93, note 3). The edition here described is not listed in the photostat catalog of the Bibliothèque Nationale.

DECISIONS (ARRESTS) OF PARLEMENTS

Articles de lestil & instructions nouvellement faictz par la Souveraine Court de Parlement de Prouence a la requeste de messieurs les gens du Roy sur labbreuiation des proces & playderies vtilz & necessayres a tous officiers de Justice & a tous Aduocatz & Procureurs de la dicte Court de Parlement & daultres Cours inferieures publiees a Laudience le quatorsiesme Jour du moys de Februier. Lan Mil D. xliij. Avec plusieurs arrestz & lettres Royaulx de consequence en faueur de tout le bien public de Prouence. Cum priuilegio. 1542. On les vend a Aix a la grand Salle du Palays par Vas Cauallis. *Colophon*: . . . Nouuellement Imprimez a Lyon chez le Prince pres nostre Dame de Confort. Le. xviiij. Dapuril. Mil cinq cens quarante deux. Woodcut of four royal lilies on title-page and woodcut representation of St. Louis, king of France, on verso of title-page.

There were two early Lyonese printers who used the nickname *Le Prince*, Claude Nourry and his successor, Pierre de Sainte-Lucie. The above item is a specimen of the work of the latter. (Baudrier, 12^e série, p. 181)

Lesrat, Guillaume de. Arrests notables, donnez en la Covrt de Parlement de

Bretagne, & prononcez en robbe rouge. A Paris, chez Hierosme de Marnef, & la vefue Guillaume Cauellat, au mont saint Hilaire, au Pelican. 1588. Avec privilege dv Roy. Printer's mark on title-page.

The Parlement de Bretagne was established in 1533; the above collection made by Lesrat, the first compilation of the decisions of this judicial and political body, appeared for the first time in 1581. (Camus-Dupin, no. 1407; Gavet, 313)

EARLY TREATISES ON JUDICIAL PROCEDURE

The noted *Ordonnances* of Louis XIV of 1667 and 1670, setting up rules of judicial procedure which to a great extent were carried over into the Napoleonic codes, were based largely upon the works of preceding generations of French jurists. Among these works the Law Library added the following examples during the past year:

Imbert, Jean. *Institvtionvm forensivm galliae pene totius (quae moribus regitur) communium libri quatuor . . . Parisiis.* Veneunt Reginaldo Calderino in via Iacobeae, ad insigne hominis sylvestris. 1535. Woodcut printer's mark on title-page. *Colophon:* Hunc institvtionvm forensium librum excudebat Ioannes Bignonius, suis typis . . .

This is the original Latin edition of the very popular compendium on pleading which was printed under the French title, *La pratique judiciaire*, in 1548, 1554, 1560, 1604, 1609, 1612, 1625, 1627 and 1641. It was published in Latin in 1538 (Brunet) and 1542 (Camus-Dupin). Cujas accepted it as the best manual on judicial practice available. Besides the French editions mentioned above, the translations of which were made by Imber himself, there were several editions translated and revised by Guenois, as well as some by Bernard Automne. (Camus-Dupin, no. 1687-88)

Forme et ordre de plaidoirie en toutes les cours Royales, & subalternes de ce Royaulme: regies par Coustumes, Styles, & Ordōnances Royaulx: Reueue & Corrigée outre les aultres impressions. M.D.XXXXIII. A Lyon par François Juste, et Pierre de Tours.

Le Formulaire Viat & directoire à bien & deument concepuoir Instrumentz & Contractz Selon L'usage du Daulphiné. Et se vendent à Lyon en la maison de Denys de Harsy. M.D.XLIIII. *Colophon:* . . . Imprimez à Lyon par Denys de Harsy. L'an de la redemption humaine. 1545. (Not listed by Brunet and Camus-Dupin.)

Boyer, Philibert. *Le Stile de la Covr de Parlement, & forme de proceder en toutes les Cours souueraines du Royaume de France, auctorisé de plusieurs beaux Arrests, & diuisé en quatre liures.* A Paris, Par Iean Hovzé, 1601. Printer's mark on title-page. Title in black and red.

This treatise on judicial procedure is of special interest because the author, Boyer, was a theorist as well as a practitioner and combined his study of Roman law with work upon the sources of French law, such as the *coutume du Berry* noted above, on which he wrote a commentary.

TRIALS

It has been realized for many years that the Law Library collection

of French trials was very meagre and far from representative. The famous Dreyfus case was covered inadequately with a few volumes, including those on the shelves of the general library. We succeeded during this year in adding some 250 items, covering 150 cases of interest, thereby augmenting our collection appreciably.

As far as the Dreyfus case is concerned, the Law Library acquired a collection of approximately sixty items, embracing contemporary books, pamphlets, reprints from periodicals, etc. The balance of the acquisitions consisted of a purchase made of the collection of books and manuscripts which had belonged to Baron (later Duc) Etienne Denis de Pasquier (1767–1862), minister of police under Napoleon, minister of justice under Louis XVIII, *pair* and finally president of the Chambre des Pairs under Louis-Phillipe. This collection consists of contemporaneously printed books and records covering a period of four hundred years of French trials, to wit: three trials from the sixteenth century, ten from the seventeenth century, thirty-one from the eighteenth century, six from the Revolutionary and Napoleonic periods, twelve from the Restoration period, twenty-eight from the July monarchy, nineteen from the period of the Second Empire, and twenty-five from the period of the Third Republic.

Below are given the names of the defendants in the *causes célèbres* contained in the collection, together with the dates of publication.

Sixteenth century—Guillaume de Hornes, seigneur de Heze (1580); Iean Chastel Escholier (1595); Iehan de Poytiers (1867).

Seventeenth century—Jewish synagogue in Saint Rambin, in Piedmont (1609); Captain La Flevre Vailant (1609); François Ravaillac, (the assassin of Henri IV) ms. (1610—2 items), (1873); Charles de Franchillon (1626); Mareschal de Marillac (1633); Marquis de La Boulaye, ms.; Simon Morin (1633); Madame de Brinvilliers (1676—2 items); Vicomte de Stafford (1681).

Eighteenth century—Marquis d'Allemans (1701); Louis-Dominique (1722); Père Jean-Batiste Girard (1731—2 items); Lescalopier (1766); Robert-François Damien (1757); La Ralde (1761); Des Calas (1762); Sieur Alliot (1764); Sieur Lally (1764) ms., (1766—3 items), (1780), (1782); Elisabeth de Vellenne, veuve d'Alexis Nicquet (1768); Justification de sept hommes condamnés par le Parlement de Metz en 1769 (1787); Duc d'Aiguillon (1770); Marquis de Mirabeau (1777); Marquis de Gouy (1772); Comte de Suze (1772); Caron de Beaumarchais (1774); Madame la présidente de Saint-Vincent (1775); Sieur Collet de Marolles (1775); Chancelier Poyet (1776); Antoine-François Desrues (1779); Henri de Tallérand (1781); Lesrat (1783); Vve Bailly (1783); Sieur Gautier d'Hautezerve (1784); Cardinal de Rohan (1786—3 items), (1863), (1889); Jacques Pierlot (1786); Marie-Françoise-Victoire Salmon (1786); Lally-Tolendal, ms.; Louise-Antoine Fontaine (1788); Cazotte (1792).

Revolutionary and Napoleonic Periods—Etienne Pacot (1802); General Moreau

(1804); Louis XVI (1814—2 items); Lesurques (1798); Soleyman el Hhaleby, assassin of General Kléber (1801); Comte Demerville et autres, conspiracy against Napoleon (1802).

Restoration—Conspiracy of 1816 (1816—2 items); Robert Wilson et autres (1816); Xavier Lebreton (1817); Marie-Armand de Maubreuil (1817); Assassination of Fauldès (1818); Assassins of Maréchal Brune (1821); Conspiracy of Thouars et Saumur (1822); Constitutionnel (1835); Maubreuil (1827); Contraffatto, Sieffrid, Molitor (1827); Louvel (1827); Comte de Lavalette (1827).

July Monarchy—Prince de Polignac (1830—2 items); Procès des ministres anglais (1830); Case of the death of Prince de Condé; les Princes de Rohan (1832); Baronne de Feuchères (1832); L'Assassinat du dernier des Condé (1832—4 items); Procès des vingt-deux accusés (1832); Procès du national (1832—2 items); Du corsaire (1832); Procès des vingt-sept, ou de la Société des droits de l'homme (1834); La Roncière (1835—2 items); Fieschi (1835); Dupuis (1842); L'Abbé Laverdet (1837); Du National (1838); Conjuraton du Duc d'Orléans (1838); Le Messager (1839); Peytel (1839); Journal "Le Patriote du Puy-de-Dôme", L'affaire de l'Étoile, Procès du droit d'association (1833); Lamennais (1841); Gisquet (1839); Daniel O'Connell (1843); Despans-Cubières (1847); Poncet, Collet et Gervais (1841); Beauvallon (1846); Deluzy-Desportes (1847); Cécile Combettes (1848); Affaire Mortier.

The Second Empire—Affaire Libri (1861); Des biens de la maison d'Orléans (1852); Affaire de la Salette (1857); Le comte Jules Migeon (1857); Le comte de Montalembert (1859); Frère Léotade (1859); Affaire de Saint-Cyr (1860); L'Affaire Mirés (1861—2 items); Complots dits de l'Hippodrome et de l'Opéra-comique (1853); Jules Favre (1864); Pardaillan-Gondrin (1864); Garnier-Pagès (1864); Duc de Noailles (1865); Léon Sardon and others (1865); L'Abbé d. Bouix (1866); Affaire Acolas and others (1868); Les grands procès politiques de Strasbourg (1868); Chéreau (1870); Affaire de la Société immobilière (1870).

The Third Republic—L'affaire Jules Favre & Laluyé (1871); Général Trochu contre *Le Figaro* (1872); L'assassinat des otages; Massacre de la rue Haxo (1872); Procès Trochu (1872); Maréchal Bazaine (1873—5 items), (1874—2 items); L'affaire Bordone (1872); Les héritiers de Charles-Guillaume Naundorff contre le comte de Chambord (1874); Procès d'Arnim (1875), (1876); Cassagnac (1875); La famille du Comte de Montalembert contre Charles Loyson (1877); L'affaire Philippart (1877); Fieschi (1877); Affaire de la vve Lecocq (1880); *Le Figaro* contre Alphonse Lemerre (1896); L'affaire Dreyfus (1898); Affaire Déroulède & Marcel Habert (1899); *Le petit bleu* (1899); Procès de la Commune (1852); Henri-Eugène-Philippe-Louis d'Orléans, duc d'Aumale (1852); Affaire Couty de la Pommerais (1864); Affaire Armand et Maurice Roux (1864); Succession de S. A. I. le prince Jérôme (1889); Affaire Boulanger (1889).

Germany

INCUNABULA

Sachsenspiegel. [Sassenspiegel mit der glose unde mit dem Schedenklot]. Coloniae, Bartholomaeus de Unckel, 1480.

Printed in two columns, thirty-eight lines to the column; second and third line initial spaces with indicators, red and blue initials alternating, 1 four-, 3 six- and 2 seven-line initial spaces with illuminated initials; rubricated.

Report of the Librarian of Congress, 1938

Woodcut: the emperor sitting in judgment, repeated on fol. [73, 85a, 157a and 240a]; type 103 (Haebler 1, M7 M74). *Collation*: 274 unnumbered leaves. *Signatures*: [a-b⁸, c¹⁰, d-i⁸, k¹⁰, l-z⁸, A-E⁸, F¹⁰, G-K⁸, L⁴]. fol. [84^b, 99^b, 237^b and 238] blank. (Hain-Copinger 14081; Voullième, Köln 1058; Ges. f. typenf. 230; Borchling-Claussen, Niederdeutsche bibliog., I (1931) col. 21, no. 46.) Incomplete: wants fol. [1] and [234-374] (Sig.: [a¹] and [F⁸⁻¹⁰, G-K, L], including the Schedenklot (fol. [239] to end [274])).

This fifteenth-century edition of the Low German version of the *Sachsenspiegel* acquired by the Law Library is one of the earliest editions of the *Landrecht*, which began with the edition of Basel 1474 and the texts of which were based on the existing manuscripts alone. Moreover, it contains the *Glossa vetus Theodisca juris provinciales saxonici* which appeared in the manuscripts of the fourteenth century and was reproduced only in two of the earliest editions of the fifteenth century. The copy acquired is of the first edition reproducing that gloss. Both texts and glosses of the later editions were edited. The attempts to edit the text of the *Landrecht* began with the version of Christoph Zobel (Leipzig 1535). It was only natural that the performance of such a difficult task at that time should have been insufficiently critical and should have resulted in the arbitrary modification of both text and glosses. The attempted corrections and amplifications of the *Glossa vetus* began even earlier and the result was that in most of the fifteenth-century editions there are distortions of its original version.

Thus Stendal's Low German version of 1488, which has been in the possession of the Library of Congress for some time (Thacher Collection), contains Theodorich von Bockstropp's version of the gloss. For the purposes of scholarship the two copies supplement each other and, according to the Union Catalog, neither of them is available in any other of the libraries of the United States. Under the circumstances, even though our copy is defective, it is a valuable addition to the collection of early legal sources. With the exception of the back, which has been replaced, the binding is contemporary.

PRUSSIA

Corpus Constitutionum Marchicarum, oder Königl. Preussis. und Churfürstl. Brandenburgische in der Chur- und Marck Brandenburg, auch incorporirten Landen publicirte und ergangene Ordnungen, Edicta, Mandata, Rescripta, &c. Von Zeiten Friedrichs I. Churfürstens zu Brandenburg, &c. [1298] biss ietzo unter der Regierung Friderich Wilhelms Königs in Preussen, &c. ad annum [1750] inclusive. Mit allergn. Bewilligung coligiret und ans Licht gegeben von Christian Otto Mylius. Mit Koenigl. Preussischen Privilegio. Berlin und Halle. Zu finden im Buchladen des Mansenhauses [1737-51] Frontispiece with copper-engraved portrait of Friederich Wilhelm, King of Prussia. 6 v. in '4, covering the period 1298-1736. Four continuations and three supplements (1737-50) in one volume.

Novum Corpus Constitutionum Prussico-Brandenburgensium praecipue Marchicarum, oder Neue Sammlung . . . Vom anfang des Jahrs 1751 [bis 1810] . . . Berlin [1751]-1822. 12 v. in 11. Indexes, 1298-1750, 1751-75, 2 v.

The material covering the period from 1298 to 1746 is arranged systematically by subjects in v. 1-6 of *Corpus constitutionum*, whereas the material covering

the period from 1737 to 1810 is arranged chronologically in the Supplements and in the *Novum corpus constitutionum*.

The official law journal for Prussia (*Gesetz-Sammlung für die Kgl. preussischen Staaten*) was not published until 1810; the *Corpus constitutionum* above described, commonly known as *Edicta-Sammlung*, is its most nearly complete predecessor. Our set corresponds to the description given in the catalogs of the libraries of the Prussian *Landtag* and the *Reichsgericht*! (*Bücher Verzeichnis des Hauses der Abgeordneten*, p. 85; *Katalog der Bibliothek des Reichsgerichts*, p. 406). The only discrepancy is in the descriptions of the indexes. The catalogs mention an index covering the years from 1751 to 1800, printed in 1805, which we do not have, whereas our set includes an index covering the years from 1751 to 1755, no imprint date, which is not mentioned in the catalogs.

Italy

This year attention was centered upon current works and only a few old items were purchased, among which the following should be mentioned:

INCUNABULA

Caccialuppi, Giovanni Battista (fl. 1450). [Repetitio super L. diem functo ff. de officio accessoris (D. I, 22-23) Siena, Henricus de Haarlem, 1493] *Incipit*: Incipit solempnis et vtilis Repetitio sup. l. diem fūcto ff. de officio accessoris . . . *Colophon*: (fol. [10], sig. [C₂^a] col. 1): . . . impressa Senis per Henricum de Haerlem. Anno domini. M.CCCC.lxxxxiij. Finis. *Collation*: 10 leaves. *Signatures*: A-B⁴, C². Double columns. (*Gesamtkatalog der Wiegendrucke* 5844; Hain-Reichling 4200; Voulliéme: Berlin 3565)

Giovanni Battista Caccialuppi (fl. 1450) was a professor of law at Siena, but whether he was a professor at Pisa in 1472 and *advocatus consistorialis* in Rome in 1486 is questioned by Savigny. He is especially known for his *De modo studendi et vita doctorum*, written in 1467, because of its valuable information concerning medieval legal scholars and their writings. (Giudici II, 378; Savigny III, 326)

The *repetitiones* were lectures or reports bearing on a particular topic and were held at the law schools of the medieval universities. They were of practical value and therefore appeared later in printed form. The *repetitiones* of Caccialuppi were very popular in his time; the *Gesamtkatalog der Wiegendrucke* mentions eighteen of them printed prior to 1500.

Nevizzani, Giovanni. *Silua nuptialis: in qua ex dictis Moder. per regulam & fallentias plurime questiones quotidie in practica occurrentes nondum per quemviam redacte in materia: Matrimonij: Dotium: Filiationis: Adulterij: Originis: Successionis & Monitorialium . . . Cum gratia & priuilegio. Colophon*: Finitur silua nuptialis a. d. Jo. neuizano. ll. doc. edita. Impressa Lugduni per Joanne moylin al's de Cambray. 1524. Woodcut printer's mark of De Portonariis on title-page.

This copy is of the second edition, but of the first printed in Lyons. De Portonariis, whose printer's mark appears on the title-page, was a publisher who employed various printers, among whom was Moylin, the printer of the present work (Baudrier V, 423). Nevizzani was a professor of law at the Uni-

Report of the Librarian of Congress, 1938

versity of Turin and is known also as the author of one of the first legal bibliographies, *Index scriptorum in utroque jure* (Lugduni, 1522), continued later by Gomez, Fichard, Ziletti and Freymon.

Latin America

Due to the relations which have been established with publishers in various of the Latin American republics during the past two years, about 750 items were obtained this year, relating primarily to the laws and legal systems now in force. Consequently, at the present time we are practically abreast of current publications.

Among the few early items which we secured, the following from Guatemala is worth mentioning:

Sistema de Lejislacion Penal decretado por la asamblea y sancionado por el consejo del Estado de Guatemala. Comprende: el codigo penal, el de procedimientos, el de prueba, el de reforma y disciplina de carceles, y un libro de definiciones. Guatemala, Imprenta de la Academia de Estudios, 1836.

The early legal material pertaining to the Central American Republics is extremely difficult to obtain. Changes in government, climatic conditions coupled with the quality of the printing and *force majeure* have contributed largely to the disappearance of the old law books. The above item is not listed in any other library of the United States and, according to our information, no other copy is available in Guatemala itself. Only a few copies were printed at the time. If one takes into consideration the fact that, although its separate constitution dates from 1825, Guatemala formally declared its independence from the United Provinces of Central America in the year 1847, it appears that this book was printed during Guatemala's period of transition and it belongs to the earliest pieces of legislation of Guatemala as an independent state.

Orientalia

CHINA ⁵

Ta Ch'ing hui-tien. 162 *chüan*. The collected statutes of the Empire, commissioned in 1684 and completed in 1690. Parts of this work were translated into Russian by order of Catherine the Great in 1781-83. (This translation is also in the Law Library.)

Lü-li lin-min pao-ching. 10 *chüan*. A mirror for handling legal cases, compiled by Su Mao-hsiang, a *chin-shih* of 1597, who became Minister of Justice and Grand Tutor to the Heir Apparent. Printed before 1644. The laws are brought under five subdivisions, (a) those applicable to officials, (b) those applicable to the people, (c) those that relate to ritual observances and (d) those that are military or (e) penal. Most of the cases are analyzed under the following seven categories: statutes (*lū*), hearings (*shên*), complaints (*ts'an*), judgments (*tuan*), discussions of the case (*i*), decisions (*p'an*) and public proclamations (*shih*).

⁵ List of noteworthy accessions and bibliographical notices supplied by the Chief of the Division of Orientalia, Dr. Hummel.

- Ch'in-ting hu-pu hsü-tsuan tsê-li. 28 *chüan*. Supplementary regulations of the Ministry of Finance, compiled by Ch'ao-k'o-t'o and others. Palace edition, printed in 1787.
- Chao-tai ching-chi yen. 14 *chüan*. A collection of documents for enlightened governmental administration in the first 253 years of the Ming dynasty, namely, 1368-1621 A. D. Compiled by Ch'ên Tzû-chuang (1596-1647), whose preface is dated 1626. Original edition. The reprint in the collectanea, *Ling-nan i-shu*, of 1831-63 is incomplete.
- Ch'in-ting T'ai-kuei. 8 *chüan*. Regulations for the Censorate, compiled by Hang I-lu (d. 1748) and others. Presented to the throne early in 1744 and printed in that year or soon after.
- Ch'in-ting k'o-ch'ang t'iao-li. 4 *chüan*. Regulations concerning the examination system, promulgated by imperial decree. Palace edition, printed in 1741.
- Tu-lü p'ei-hsi. 5 *chüan*. Analysis of statute law, by Wang Ming-tê, a department director in the Ministry of Justice. Author's preface is dated 1674, but *chüan* 2 has a memorial dated 1676, showing that the work was printed after that date.
- Ku-chin chih p'ing-lüeh. 33 *chüan*. Administrative procedure in various dynasties, compiled by Chu Chien, a *chü-jên* of 1621. Printed 1638-39. Listed in the eighteenth century among the books to be burned.
- Chih-p'ing lei-tsuan. 30 *chüan*. A classified compendium of the work just mentioned. Printed in 1663 with omission of passages which were thought objectionable to the reigning dynasty.
- Ku-yü hsin-yen. 8 *chüan*. By a famous judge named P'êng P'êng (1637-1704), whose writings and observations on legal matters are here presented. Original edition. The author's preface is dated 1695, but the work was probably printed in the following year.
- Shou-ling i-fan. 4 *chüan*. Biographical sketches of model officials from earliest times through the Yüan dynasty (1368). The compilation is attributed to Ts'ai Kuo-hsi, a *chin-shih* of 1559. This edition is a reprint of 1597.
- Fa-hsüeh ts'ung-shu. 56 v. A collectanea of 40 items on the study of Chinese law. Published by the Chinese Association for the Compilation and Translation of Law. Printed in 1933.
- Chung-hua min-kuo liu-fa li-yup'an-chieh hui-pien. 6 v. A collection of the decisions and the arguments in six departments of Chinese law. Compiled by Wu Ching-hsiung and printed in 1936.
- Yen-fa. 300 *chüan*. Regulations concerning salt, compiled by the Ministry of Finance, and printed in sixty-five volumes in 1920.
- Chung-kuo fa-lü tsai Tung-Ya chu-kuo chih ying-hsiang ("The Influence of Chinese Law on Eastern Asia") by Yang Hung-lieh, in one volume, printed in 1937.

JAPAN⁶

- Shinrei kukai: Buke sho-hatto. Newly collected and annotated feudal laws relating to houses for military families, 1710. Manuscript.

⁶ List and notices supplied by Dr. Shio Sakanishi, of the staff of the Orientalia Division.

Report of the Librarian of Congress, 1938

The *Buke-hatto*, promulgated by Ieyasu Tokugawa in 1615, is not so much a systematic collection of specific injunctions and prohibitions as a group of maxims, supported by learned extracts from the Chinese and Japanese classics. From the end of the seventeenth century there was an extremely prolific output of laws and regulations in writing; the present volume is an early example of an attempt to systematize and elucidate them.

Go hatto ofuregaki. Collection of injunctions and prohibitions. Manuscript, 1703.

Kôsai ikken. Criminal laws of the feudal regime in 376 articles. Manuscript dated 1738.

Kôsai mippô-roku. Handy guide to the feudal laws, with commentaries by one Kariya. An undated manuscript.

Kin gin fuki-naoshi o-kakitsuke no utsushi. Rules relating to the new coinage of gold and silver coins. Manuscript dated 1714.

This document is significant since it marks the introduction of metal coins and the end of rice as a medium of exchange in Japan. As the military class spent their money on luxuries produced by the artisans and sold by the tradesmen, it is said that by 1700 almost all their gold and silver had passed into the hands of merchants. Then they began to buy goods on credit and eventually were forced to sell their tax rice. The merchants took to rice brokerage and speculating, so that sometimes the price of rice was driven down, to the dismay of the feudal lords, whose income was fixed in units of rice. In 1714 the government tried to mend matters by coinage; the present document relates to the laws of minting new gold and silver coins.

Hôshô shiryô sôan. Original draft of the history of administrative law. An undated manuscript in four volumes.

According to the undated preface, when the Department of Interior decided to reorganize the Japanese police system, a staff of men was appointed to compile an historical survey. The present manuscript is the result of their research. Written on the official stationery of the department, all the references are checked and corrected with vermilion ink. The document evidently was smuggled out of the office, the title on the cover was scraped off and, wherever the title appeared in the manuscript, the characters were neatly cut off and the new title, written on a thin piece of paper in an entirely different hand, was pasted in. This was done probably in order to disguise the document. At one time it was in the possession of the late Dr. Raisuke Numata.

So chô yô ryaku-setsu. Note on the ancient forms of taxation, by Kiyonori Konakamura (1821-1895). Manuscript, in two volumes.

The author, one of the most distinguished scholars of the Japanese classics, was also an authority on the ancient laws. The present manuscript is in his own handwriting and the corrections are made in vermilion ink.

Shintei zêmoku. New table of customs duties, published by the Yokohama Customs Office. Limited to 500 copies.

This was probably published soon after the treaty of 1854 with the United States, when Japan opened five ports to foreign trade residence. Goods both for export and import are divided into four major groups. Rice, wheat and

barley, or flour made from the above, and saltpetre were prohibited for export, while opium alone is on the list of prohibited articles to be imported. The document is in Chinese, Japanese and English.

Nihon teikoku yubin kisoku. Postal regulations of Imperial Japan, published by the Department of Communications. Kobe Prefecture, 1874.

Ishin go-fukuko ôrai. Declaration of the restoration of the imperial rule. Tokyo, 1872.

Hôten chôsa giji sokki-roku. Stenographic records of the proceedings of the Committee for the Investigation of Statutes.

Minpô. Civil code, nos. 125-195. October 1895 to November 1896. A mimeographed copy.

Poland

Consisting, as it does, of provinces which before the peace settlement formed parts of Russia, Austria, Hungary and Germany, Poland inherited a complex and somewhat confused legal order. The efforts at its unification have been continuous and so far have shown results in the fields of constitutional law, administrative law, criminal law and judicial procedure. However, the complexities of private legal relationships made progress in the unification of private law difficult. With the exception of the commercial law and the law of obligations, the different fields of private law still depend upon pre-war territorial affiliations. This state of affairs is responsible for a voluminous legal literature, which the Law Library endeavors to collect in addition to the materials concerning the legal past of the various provinces, in order that the laws of Poland be represented adequately. During the current year the reference collection of Polish legal works was enlarged by the addition of some three hundred items of commentaries and treatises, mostly published after the creation of the independent state of Poland.

Russia

[Stoglav] Skazanie glavam nastofâschiâ siâ knîgi Stoglava. ("[One hundred chapters] Enumeration of the chapters in the present book of one hundred chapters.") n.p.n.d. [ca. 1817] ms.

The decisions adopted by the Russian ecclesiastical council convoked in 1551 by Czar Ivan IV, the Terrible, were compiled in a book of one hundred chapters, which became known by the name of *Stoglav*. It was an attempt at codification of the contemporary ecclesiastical law of Russia and is therefore an important source for the study of the theocratic ideas of law and government of the Muscovite period. The ecclesiastical council of 1667 repealed some of the provisions of the *Stoglav* and thus provoked a schism, the old school resisting innovations in the ecclesiastical order.

Of the *Stoglav* no contemporaneous official manuscripts are extant and the

available texts vary. Therefore, Russian legal historians disagree as to the status and historical value of the different versions of the compilation. Some consider it to consist of unofficial notes kept at the council by one of its members, while others ascribe to it an official character (cf. Shpakov, *Stoglav*, Kiev, 1903). It was printed comparatively late (London 1860; Kazan 1862, 1887, 1890) and therefore the early manuscripts are of great importance in the reconstruction of the original text. The manuscript of the compilation added to the collection of the Law Library is in Slavonic letters and has an elaborate seventeenth-century binding.

GOVERNMENTS OF THE CIVIL WAR PERIOD (1918-1921)

The Soviet regime did not become established throughout Russia at any one time. During the period from 1918 to 1921 several parts of Russia involving extensive areas were under various anti-Soviet governments which recognized the continuity of the old legal order. The anti-Soviet governments issued laws and regulations, some of which attained international validity.

However, this kind of Russian legal material is practically unobtainable. Most of the copies were destroyed or lost in the confusion of anti-Revolutionary activity. Moreover, these publications were printed on paper of such inferior quality that the copies which escaped destruction were threatened with deterioration.

The largest collection of this material is in the possession of the Russian Historical Archives in Prague, in which the available archives of the anti-Soviet governments were deposited. Nevertheless, even the collections of the Archives, according to its catalog of 1938, are far from being complete. So far as the libraries of this country are concerned, the Russian section of the list of the serial publications of foreign governments compiled in the Library of Congress (1932), contains no section for governments of the civil war period because of the lack of collections of their publications in the libraries of the United States and Canada.

During the current year we acquired about one hundred and fifty items pertaining to this period. Some of these sets are more nearly complete than those in the possession of the Archives in Prague and others are not even listed in the catalog of the latter. The most outstanding of them are listed below.

Sobranie Uzakoneniĭ i Rasporiâzheniĭ Pravitel'stva, izdavaemoe Osobym Sovēshchaniem pri Glavnokomanduŭshchem Vooruzhennymi Silami na Ŭgŭe Rossii. Otdiel pervyi. May 22, 1918—November 1919, Rostov na Donu and (nos. 1-48) Ekaterinodar, 1919.

This is the most nearly complete collection of the law gazette of the anti-Bolshevik government of southern Russia, commonly known as the "volunteer

army" or Denikin army. This government came into existence at the beginning of 1918 under the leadership of General Kornilov, former commander-in-chief of the army, and General Alexeev, former chief of staff, to resist the Soviet regime in the Don Cossack region.

In April 1918 General Kornilov was killed and the command was taken over by General Denikin, who joined forces with the Don, the Kuban and later the Terek Cossacks. During the first half of 1919 the joint forces succeeded in occupying the entire southern region of Russia. However, the Don, Kuban and Terek Cossacks retained their three separate governments, while the territories taken away from the Soviets came under the administration of General Denikin, who organized a consultative body (*Osoboe Sovēshchanie*). All these governments attempted to administer their affairs as independent states, although the *Osoboe Sovēshchanie* claimed to be the beginning of the future central government of Russia.

The set mentioned above is a collection of laws and decrees sanctioned by General Denikin in his capacity as head of the government. In addition, the stenographic reports of the Kuban legislature (*Rada*), which convened in October 1918, and the reports of the governmental departments of the Don Cossack region presented to the legislature of this region which convened in August-September of 1918 also form a part of the collection now in the possession of the Law Library.

Spain

On one of the fundamental legal compilations of Spain, the *Nueva recopilación*, which was promulgated by Philip II in 1567, the Law Library added to its collection the works of two important contemporary commentators. One is that of the sixteenth-century jurisconsult, Juan García de Saavedra, of Tuy, who for some time held the office of relator to the curia in Madrid and whose works attained great reputation among European jurists.

Tractatus de Hispanorum nobilitate, et exemptione, sive ad pramaticam Cordubensem, quae est 1.8, tit. 11, lib. 2, nouae Recopilat. per Ioannem Garsiam & Saavedra . . . Anno 1622 . . . Matriti, Apud viduam Ferdinandi Correa.

The first edition of this work appeared in 1588 and is not listed in the Union Catalog.

The other commentary on the *Nueva recopilación* is the work of the internationally known sixteenth-century Spanish jurisconsult, Juan Gutiérrez, of Plasencia, who studied in Salamanca, engaged in the practice of law before the ecclesiastical courts and was the author of an elaborate work on Spanish law consisting of nine parts, the first of which appeared in 1589. The copy added to the collection of the Law Library forms part of this series, other parts of which are available both in the Library of Congress and at Harvard University.

D. Ioannis Gutierrez . . . Practicarum quaestionum circa leges Regias Hispaniae secundae partis Nouae Collectionis Regiae, Tractatus de Gabellis . . .

Report of the Librarian of Congress, 1938

Venetiis, Apud Iuntas MDCXIX. [Libri septimi, super secunda parte Nouae Collectionis Regiae & Tractatu de Gabellis]

D. Fernandi Vasqvii . . . De svccessionvm creatione, progressv. et resoltione, tractatvs primae partis. libri tres . . . Venetiis, Apvd Hieronymvm Scotvm, M D LXXIII.

. . . De svccessionvm progressv, tractatvs, libri tres . . . Venetiis, Apvd Hieronymvm Scotvm, M D LXXIII.

. . . De svccessionvm resolutione tractatvs libri tres. *Colophon*: Venetiis . . . M D LXXIII.

Another addition of importance is this work of the famous Spanish jurisconsult, Fernando Vázquez de Menchaca (*d.* 1569), of Valladolid, who was born around 1512 and died in Seville. Having completed his studies at the universities of Valladolid and Salamanca, he obtained the chair of the *Institutes* at the University of Salamanca. He enjoyed the reputation of being among the most learned jurists of his time. The first edition of his work on succession appeared in 1559.

De Hispanorum primogenijs libri quatuor. Avthore. Lvdivico de Molina Ivrisconsulto Hispano . . . Complvti. Excudebat Andreas de Angulo. Anno Domini, 1573.

To the collection of the Law Library there was also added this first edition of the most important work of the noted sixteenth-century Spanish jurisconsult, Luis de Molina, of Osuna (Seville). This treatise, which often has been erroneously ascribed to the celebrated Spanish Jesuit theologian of the same name, is a standard work on the subject; it was widely used by jurists and is of great political, sociological and historical interest. No copy of this acquisition of the Law Library is listed in the Union Catalog.

D. Francisci Salgado de Somoza . . . Labyrinthvs creditorvm concvrreritvm ad litem per debitorem . . . Tomvs primvs [secvndvs] . . . Lvgdvni, Sumptibus Lavrentii Anisson. M.DC.LIV.

Centvria decisionvm sacrae Rotae Romanae, hactenus nullibi impressarum, ad materiam Labryint. creditor . . . Lvgdvni . . . M.DC.LIII.

In the field of Spanish commercial law the Law Library acquired the popular work of the well known seventeenth-century Spanish jurisconsult, Francisco Salgado de Somoza (*d.* 1644), who was born in Coruña, where his father, Gaspar Salgado, held the office of royal fiscal. The work was used extensively and went through many editions both in Spain and abroad.

Recopilación de notas de escripturas pvblicas, vtilis y muy prouechosas. Por las quales qualquier escriuano podrá ordenar qualesquier escripturas que ante el se ortorgaren, de las que se acostumbran en todos estos Reynos . . . Agora nueuamente recopiladas por Roque de Huerta escriuano. *Colophon*: . . . Salamanca por Iuan de Iunta, el año . . . 1551.

The Law Library came into possession also of this compilation of notes for notaries by Roque de Huerta, one of the few early works of Spanish origin in this field. The copy is in excellent condition and came from the well known collection of Vicente Salva y Pérez, later acquired by Ricardo Heredia (Conde de Benhavaís) and sold at auction in the early eighteen-nineties. According to the information of Antonio Palau y Dulcet (IV, 68), the first edition seems to have

been published in 1541. The Union Catalog shows that in this country another copy of the edition of 1551 is available in the library of Harvard University. (Vicente Salva y Pérez, *Catálogo de la biblioteca de Salva*, Valencia 1872, II, 75)

CATALONIA

In relation to the province of Catalonia the works of two noted juriconsults, consisting of decisions in the administration of criminal justice, were added to the collection of the Law Library, namely, the compilation of the sixteenth-century Catalonian juriconsult, Luis de Peguera, of Manresa—one of the noted criminologists of the epoch and first magistrate of the Audiencia de Cataluña—and that of the seventeenth-century Catalonian juriconsult, Miguel de Caldero.

Decisiones avreae in actu practico vt frequentes, ita omnibus cognitu perquam necessariae, ex variis sacri regii consilii Cathaloniae conclusionibus summo studio . . . auctore Don Lvdovico a Pegvera . . . Venetiis, MDCVIII. Apud Iacobum Antonium Somaschum.

Sacri regii criminalis concilii Cathaloniae decisiones, cum annotatiunculis . . . auctore Don Michael de Caldere, Barcinonensi . . . pars prima [secunda, tertia] . . . Venetiis, MDCCXXIV. Ex Typographia Balleoniana.

Both of these additions are of importance as source material, and are of considerable historical value.

Jurisprudence

D. Fernandi Vasqvii . . . Controversiarum illustrum, aliarumque vsu frequentium libri tres. M.D.LXXII. Francofurti ad Moenum. Colophon: Impressum Francofurti ad Moenum apud Georgium Corvinum . . . M. D. LXXII.

To the collection of the Law Library there was added the most important and best known work of the famous Spanish juriconsult, Fernando Vázquez de Menchaca (d. 1569), of Valladolid. This work was of high theoretical value in its time and was extensively used by the pioneers of the modern tendencies in jurisprudence, including Grotius. At the present time it is of great value for the history of jurisprudence.

ROMAN LAW INCUNABULA

Opus dni Baldi Perusio Iuris utriusq3 doctoris super sexto libro Codicis: De Seruis fugitiuis & Libertis Mancipijsq3 ciuitatū artificibus & ad diuersa opera deputatis: & ad rez priuata uel dominica pertinentibus Rubrica. [M. cccc. lxxx.] (Hain: 2297; Savigny: VI, 208-48)

Baldus de Ubaldis [Baldeschi, Perusinus] (1327-1400) of Perugia, was among the most famous juriconsults of the fourteenth century. He was one of the accepted authorities on medieval jurisprudence in the field of the Roman as well as the canon law. Although he held professorships for fifty-six years of his life (at the universities of Bologna, Perugia, Pisa, Padua and Pavia) and wrote commentaries on all parts of the *Corpus*, following the lecture system of the time, all of these commentaries have been left very incomplete.

Report of the Librarian of Congress, 1938

Under the circumstances it has been a difficult and slow process for the Law Library to acquire a representative collection of fifteenth- and sixteenth-century editions of the works of Baldus. For some time the Law Library has been in possession of a fifteenth- and a sixteenth-century edition of the two parts of his commentary on the *Digestum vetus*, and a sixteenth-century edition of his commentary on the first nine books of the *Codex*. The fifteenth-century edition of the latter in the collection of the Law Library covers the first five books, while the newly acquired item covers the sixth. The commentaries of Baldus on the *Infortiatum*, *Digestum novum*, the *Institutes* and the *Tres libri* are not represented in the collection in either fifteenth-century or later editions.

The copy of the newly acquired item is defective; its binding is contemporary but is badly damaged, while the missing text (ff. 218, 219) will have to be supplied in photo-reproduction.

Canon Law

Recueil de jurisprudence canonique et beneficiale, par ordre alphabetique: avec les pragmatiques, concordats, bulles & indults des Papes; ordonnances, edits & déclarations de nos Rois . . . par Me. Guy du Rousseaud de la Combe, avocat au parlement; sur les memoires de feu Me.Fuet . . . Paris, chez Joseph Saugrain . . . M.DCC.XLIII.

As a gift made by Chief Justice Groner (*infra* Gifts), the Law Library acquired a collection of canon law of French origin. It is an alphabetically arranged reference work by the advocate at the Paris Parlement, Guy du Rousseaud de la Combe (d. 1749). The copy is of the first edition, which was based on the materials of Louis Fuet (1681–1739) of Orléans, one of the outstanding canonists of his time, whose work was highly valued and played an important part in the French practice. The work of Rousseaud went through two more editions. That of 1755 was issued by Cl. Mey and J. J. Piales, but it was not superior to the first, while the edition of 1771 is an exact reproduction of the latter.

Periodicals and Serials

Marked progress has been made in the periodical section of the Law Library, not only in the acquisition of material, which has included notable additions in both old and new titles, but also in the mechanics of the work. A visible file for the serials has been installed, which has proved very serviceable and caused much favorable comment as to appearance and efficiency. The file has a capacity for nearly 4000 titles; at present some 2772, including the cross references, have been entered. Besides the allowance for normal growth, provision has been made for the addition of numerous annuals and other possible entries not formerly included because "periodicals" rather than the disputably inclusive "serials" originally formed the basis of determination of the titles handled in this section. With the change in this field the serial file has developed within the past ten years from some 570 titles to over 2400. Acquisitions during the past year have numbered 116 items in serial titles.

The following are among the more important sets acquired:

AUSTRIA

Zentralblatt für die juristische praxis. Wien, bd. 1-54, 1883-1936. 54 v. Volumes 1-41 appeared under the title, *Oesterreichisches Zentralblatt für die juristische Praxis*. It is known as "Geller's" *Zentralblatt*.

BELGIUM

Journal pratique de droit fiscal et financier. Bruxelles. Année 2-11, 1928-37. 10 v.

The only Belgian review devoted to financial law. The continuations of this set are coming currently.

DENMARK

Juridisk tidsskrift. København. Aarg. 1-22, 1915-36. 22 v. This publication consists principally of a digest of judicial decisions. With the January/March 1937 number, the title changed to *Østre Landsrets Tidende*.

FRANCE

Journal des sociétés civiles et commerciales; revue pratique de jurisprudence, de doctrine, et de législation . . . Paris. Année 1-52, 1880-1931.

A review primarily for those concerned with the jurisprudence pertaining to industry, commerce and agriculture. With the acquisition of these fifty-two volumes, the Law Library set is now complete to date, the subsequent volumes and continuations having been previously acquired.

GERMANY

Auslandsrecht. Berlin. Jahrg. 1-7, 1920-26. 7 v.

This valuable publication for the law relating to industry and commerce appeared as organ of the Institut für ausländisches Recht, which is attached to the Reichsverband der deutschen Industrie; it is the forerunner of the *Zeitschrift für ausländisches und internationales Privatrecht*.

Recht und wirtschaft; monatsschrift des vereins zur förderung zeitgemässer Rechtspflege und Verwaltung . . . Berlin, Jahrg. 1-11, Okt. 1911- Dez. 1922. 11 v.

This important monthly covered a period of great world activity, including the Great War era. It ceased publication in 1922.

ITALY

With the acquisition of a number of sets, the collection of Italian legal periodicals and serials is nearing completion.

Bollettino ufficiale. (Legislazione e disposizioni ufficiale.) Roma, 1-42, 1880-1921. 42 v.

Published by the Ministero della Giustizia e degli Affari di Culto, it contains official legal material. The Law Library was already in possession of the later years and continuations of this publication.

Report of the Librarian of Congress, 1938

Diritto e giurisprudenza. Napoli. 1-37, 1885-1922. 37 v in 35.

A bimonthly concerned with civil, commercial, administrative and penal law. It contains also decisions of the supreme and lower courts and of the Consiglio di Stato (the supreme administrative court). Volumes 1-20 have the title, *Dritto e Giurisprudenza*. The current issues are being received regularly.

La giustizia penale. Roma. 1-42, 1895-1936. 42 v. in 49.

This publication is divided into four parts. Part I contains regular law-review material on general problems of penal law and procedure, *i. e.*, articles, comments and bibliographies; whereas Parts II-IV are devoted to special phases of adjective and substantive law; Part IV covers criminal procedure. The set is kept up-to-date.

Lex; Legislazione italiana. Torino. Anno 1-22, 1915-37. 22 v. (and continuations).

Commencing in 1916 as a collection of extraordinary legislation promulgated in connection with the World War, this publication continued as a chronological general source for Italian laws. For some time the original title, *Provvedimenti legislativi e disposizioni ufficiali d'eccezione, emanate per misura di guerra*, was retained in abbreviated form as subtitle, after which the subtitle, *Legislazione italiana*, appeared.

Rivista amministrativa del regno. Roma-Torino. Anno 88- , [1850]-1937- . 87 v. (and continuations). Indexes: 1850-59, 1860-79, 1880-94, 1895-1904.

This monthly, which is a valuable addition to the Italian collection, contains decisions of the supreme court and of the administrative court of Italy.

Rivista di diritto civile. Milano. Anno 1-29- , 1909-37. 29 v. (and continuations).

Rivista italiana per le scienze giuridiche . . . Roma. n. s. anno 1-12, 1926-37 (and continuations).

By the receipt of this new series the Law Library brought up to date its seventy-seven volume set of this publication, founded in 1886 by Francesco Schupper and Guido Fusinato and published under the auspices of the Istituto di Esercitazione Giuridiche of the University of Rome. Five years elapsed between the old series and the new.

Rolandino; Monitore del notariato. Pistoia, [etc.]. Anno 1-57, 1881-1937. 57 v. in 29. (and continuations).

This bimonthly publication contains items of particular interest to notaries. It derives its title from the famous Bolognian glossator, Rolandino, of the thirteenth century, author of the *Summa artis notariae*, one of the earliest and most popular treatises on the subject. It has had an unbroken existence for fifty-seven years.

La Scuola positiva. Milano. Anno 1-46, n. s. 1-18, 1891-1937. 66 v. (and continuations).

This publication was founded by the noted Enrico Ferri, a disciple of Lombroso and head and founder of the Italian positivistic school in criminology.

NETHERLANDS

Advocatenblad, tevens Orgaan der nederlandsche Advocaten-vereeniging gevestigd te 's-Gravenhage. Jaarg. 1-20- , 1918-1937- . 20 v. (and continuations).

Monthly organ of the Dutch bar association.

POLAND

Themis polska . . . Warszawa. Ser. 2, tom 1-8, 1913-18; ser. 3, tom 1-8, 1923-26. 16 v.

Begun in 1828, discontinued during the period after the 1830 uprising of Poland until 1913, then interrupted by the War, with its third series this publication became the organ of the University of Warsaw.

PORTUGAL

Gazeta da relação de Lisboa. Lisboa. Anno 1-44, 1885-1931. 44 v. in 38.

The review of the Supreme Court at Lisbon.

Revista dos Tribunais. Porto. Año 1-46, 1882/83-1911/12. 30 v.

With the above additions the Law Library is in possession of a complete set of this important review.

LATIN AMERICA

ARGENTINA

Revista del colegio de procuradores de la ciudad de Buenos Aires. Buenos Aires. Año 1-16, 1921-1937 (and continuations).

Review of the College of solicitors of Buenos Aires. The first thirteen volumes appeared under a slightly different title, *Revista del colegio de procuradores de la capital*.

Revista del colegio de abogados de Rosario. Rosario de Santa Fé. Tomo 1-8, 1927-1937 (and continuations).

BRAZIL

Revista jurídica; Órgão oficial do instituto da ordem dos advogados de Pernambuco . . . Recife-Pernambuco. v. 1-6, 1931-1935. 6 v. in 3.

Quarterly organ of the Bar of Pernambuco.

MEXICO

Anales de jurisprudencia. México, D. F. Año [1]-5, tomo 1-19, 30 abr. 1933-1937 19 v. (and continuations).

An official collection of court reports, issued semi-monthly, this publication was created by the law of December 30, 1932 for the Federal District and Territories.

Gifts

The gifts received by the Law Library during the past fiscal year were 1,600 in number, of which 296 were bound volumes and 1,304 unbound. These donations came, not only from all parts of the United States and from Canada, but a great number of them came from Latin American countries—Argentina, Colombia, Brazil, Venezuela, Chile, the Dominican Republic, Costa Rica, Mexico, Uruguay,

Nicaragua and Ecuador—while some of the donors were residents of European countries, *e. g.*, Belgium, France, the Netherlands, Germany, England, Switzerland and Poland. There were gifts also from Japan and Hawaii.

A large number of these donations were current works and reprints, presented by the authors themselves, or were publications of the donating associations and institutions. A few rare and interesting items were among these gifts.

The Honorable J. Weston Allen, of Boston, presented to the Law Library a copy of Jeremy Bentham's *Justice and Codification; Petitions: being forms proposed for signature by all persons whose desire it is to see JUSTICE no longer sold, delayed or denied . . .*, London, 1829, which had been given by the author to President Jackson. The autograph on the title-page reads: "To Andrew Jackson—Quondam Judge and (it is hoped) now Law Reformist, from Jeremy Bentham. Written by the half-blind author." In a long letter to Jackson dated June 14, 1830, to be found among the Jackson papers in the Library of Congress, Bentham laments the fact that President John Quincy Adams, Jackson's predecessor, did not receive a second term, but states that, upon reading the latter's inaugural message, he finds Jackson's sentiments "were not only as fully in accordance with mine as his had been (and in politics and legislation I do not think there was a single topic on which we appeared to differ) but that they were so, and I trust remain so, in a still more extensive degree—embracing several topics which between him and me had never been touched upon."

Chief Justice D. Lawrence Groner, of the U. S. Court of Appeals for the District of Columbia, made the Law Library the gift of an eighteenth-century French legal item, namely, *Recueil de jurisprudence canonique et bénéficiale*, by Guy du Rousseaud de la Combe, M.DCC. XLVIII, which is described elsewhere in this report.

The well known international jurist, Dr. Charles H. Huberich, who in the past has aided the Law Library in completing its collection of scarce Liberian law material, this year added to his contributions a typewritten copy which he had made of the *Reports and Opinions of the Attorney-General of Liberia, 1926-27*, covering 152 pages of legal-size paper.

Several friends of the Law Library of long standing made extensive gifts of books and pamphlets, among them Phanor J. Eder, Esq., of New York, whose donations in the field of Latin American law consisted of twelve volumes and fourteen pamphlets; Karl Fenning,

Esq., of Washington, who donated 189 items, including wanted back numbers of legal periodicals; Hon. William P. McCracken, of Washington, who presented to the Law Library 101 pamphlets and back issues of periodicals; Edward Schuster, Esq., of New York City, who made a gift of 188 volumes and pamphlets, and Judge Nathan Cayton, of the D. C. Municipal Court, who increased our accessions by a gift of thirty-two items relating to the Small Claims Court. During the current year the yearly contribution of theses by the law students of the Universidad Nacional Autónoma, of Mexico, numbered 185 items.

A detailed list of the donors is given herewith:

- | | |
|---|---|
| Academia Nacional de la Historia,
Caracas, Venezuela | J. Douma, The Hague |
| Hon. J. Weston Allen, Boston | John Paul Earnest, Esq., Washington |
| American Association of Personal
Finance Companies, Washington | Phanor J. Eder, Esq., New York |
| American Bar Association, Chicago | Dr. Lawrence D. Egbert, Washington |
| American Law Institute, Philadelphia | Erie County Bar Association, Buffalo,
N. Y. |
| American Patent Law Association,
Washington | Guerra Everett, Esq., Washington |
| W. H. Anderson Co., Cincinnati | Hon. George Farnum, Boston |
| Argentina. Ministerio de Relaciones
Exteriores y Culto | Dr. Max Farrand, San Marino, Calif. |
| Jorge Bahlis, Rio Grande do Sul,
Brazil | Karl Fenning, Esq., Washington |
| Cayetano Betancur, Colombia | Gustav Fischer, Jena, Germany |
| Bibliotheca Nacional do Rio de
Janeiro | Dr. Elio Gianturco, Washington |
| P. Clark Boardman, New York | George L. Gisler, Esq., Newark, N. J. |
| Dr. Edwin M. Borchard, New Haven,
Conn. | Hon. D. Lawrence Groner, Washington |
| Boris Brasol, Esq., New York | Frank W. Grinnell, Esq., Boston |
| Brussels (Belgium) Court of Appeals | Professor Charles G. Haines, Berkeley,
Calif. |
| Louis G. Caldwell, Esq., Washington | Dr. Lewis Hanke, Cambridge, Mass. |
| Hon. Nathan Cayton, Washington | John N. Hazard, Chicago |
| Chicago Law Institute | Dr. Max Henríquez Ureña, London |
| Civilizacao Brasileira, Rio de Janeiro | Jorge Hidalgo, Santiago, Chile |
| Dr. Francesco Cosentini, Berne, Swit-
zerland | Hines Legal Directory, Inc., Chicago |
| Council for State Governments, Chi-
cago | Historical Records Survey, Works Prog-
ress Administration, Washington |
| Mrs. Gladys Judd Day, Hartford,
Conn. | Hon. Alexander Holtzoff, Washington |
| E. Merriek Dodd, Jr., Esq., Cam-
bridge, Mass. | Dr. Charles H. Huberich, London |
| Dr. Martin Domke, Paris | Lt. Col. Edgar E. Hume, U. S. A.,
Washington |
| | J. Marino Inchaústegui, Ciudad Trujillo,
Dominican Republic |
| | Nathan Isaacs, Cambridge, Mass. |
| | Kansas University Law Library, Law-
rence, Kansas |
| | Col. J. Miller Kenyon, Washington |
| | Hon. Charles Kerr, Washington |

Report of the Librarian of Congress, 1938

Librería Lehmann, San José, Costa Rica	Hon. Joseph P. Poindexter, Hawaii
Dr. Raphael Lemkin, Warsaw, Poland	Dr. Roscoe Pound, Cambridge, Mass.
Avelino León Hurtado, Concepción, Chile	Dr. Max Radin, Berkeley, Calif.
Library Company of the Baltimore Bar	J. Raimundo del Rfo, Santiago, Chile
E. Russell Lutz, Esq., Washington	Dr. Arturo Ramírez, Havana
Maritime Law Association of the United States, New York	Dr. Egidio Reale, Geneva
Hon. Pedro Martínez Fraga, Washington	Professor James Grafton Rogers, New Haven, Conn.
Ruskin McArdle, Washington	Mrs. M. Louise Rutherford, Philadelphia
Hon. William P. McCracken, Washington	Alexander N. Sack, Esq., New York
Michigan Crime Commission, Lansing	San Francisco Bar Association
Michigan State Bar, Lansing	Dr. A. Schönke, Berlin
Montevideo (Uruguay) Biblioteca Nacional, Montevideo	Edward Schuster, Esq., New York
K. Nakamatsu, Tokyo	William O. Skeels, Washington
National Highway Users Conference, Washington	Social Security Board, Washington
Dr. F. Regis Noel, Washington	Dr. Juan Antonio Solari, Buenos Aires
Richard Ould, Esq., Washington	Southern Book Mart, New Orleans
A. Warner Parker, Esq., Washington	Hon. Edouard Fabre Surveyer, Montreal
Fermín Peraza y Sarausa, Havana	Robert Thornton, Esq., Washington
Dr. P. S. Pijnappels, Heeswijk, Holland	C. W. Tooke, Esq., New York
	Universidad Nacional Autónoma, Mexico
	Jersy Waciorski, Warsaw, Poland
	West Publishing Company, St. Paul, Minn.
	Nathan B. Williams, Esq., Washington

Justice Holmes's Bequest

By the terms of his will, the residuary estate of the late Justice Holmes, amounting to about \$270,000, was left to the United States Government. In the Seventy-fourth Congress it was first proposed in H. J. R. 237 that this sum should be transferred to The Library of Congress Trust Fund Board and the income thereof used for the purpose of developing a memorial collection of books on jurisprudence, to be known as the Oliver Wendell Holmes Collection. H. J. R. 237 was passed unanimously by the House of Representatives but remained unreported by the Senate Committee on the Library at the end of the session. The same resolution was reintroduced by Representative Hatton W. Sumners, Chairman of the House Judiciary Committee, as H. J. R. 19 at the first session of the Seventy-fifth Congress. Again it was passed by the House but was not reported by the Senate committee at the close of the session.

Meanwhile H. J. R. 526, authorizing the Federal Government to accept title to Justice Holmes's Washington dwelling house and

restore it as a shrine, was introduced in the House on December 6, 1937, but was reported unfavorably (see H. R. Report no. 1913). According to the Library Committee report, it was believed that this was not the most desirable and satisfactory memorial with which to honor the memory of the Justice. The report indicated that the house is unfavorably situated, that it is not unique in design or architecture and that the late Justice himself regarded it as being very commonplace. On May 31, 1938, however, H. J. R. 703, authorizing acceptance of this property by the Attorney General and the appointment of a committee composed of three members each of the House of Representatives, the Senate and the Supreme Court, to make "recommendations to Congress concerning the use of the bequest," was introduced in the House of Representatives. This resolution was reported favorably by the Committee on the Library and approved by Congress June 22, 1938 (see H. R. Report no. 2560). Inasmuch as no report was published by the Committee on the Library, it would seem to have been passed by the Congress primarily in response to the President's message of April 25, 1935, suggesting that the appointment of a "select committee of the Congress, acting in collaboration with a committee of the Supreme Court of the United States, will doubtless evolve the wisest uses to which this noble bequest should be put."

It was also necessary to dispose of the residence in order to permit the executor to close the estate. Therefore the Congress has yet to express its considered judgment as to the final disposition of the residuary bequest.

Since the death of Justice Holmes in 1935 several proposals have been made to honor the memory of this great jurist. From some quarters it has been suggested that postgraduate scholarships for government lawyers be created, while others have suggested that a chair in American poetry be established, that his old residence be used as a shrine, that a "chair" of jurisprudence be established in the Library of Congress, etc. etc. Whatever action Congress may see fit to take, it would seem most natural and reasonable that Justice Holmes be honored primarily as a scholar and jurist. Even casual study of his life reveals that jurisprudence and the law were his most absorbing interests. He once said, "Life has thrown me into the law and I must see the line of the universal in it." Nearly fifty years of his life were spent on the Supreme Judicial Court of Massachusetts and the Supreme Court of the United States.

It has been proposed, too, that provision be made for the publication

Report of the Librarian of Congress, 1938

and preservation of many of Justice Holmes's letters which remain unpublished. This would not require a large expenditure and at all events should be charged to the income of the bequest.

Because of the favorable action which the House of Representatives took at both the Seventy-fourth and Seventy-fifth Congresses and of the prevailing sentiment of the American bench and bar in favor of establishing a collection of books on jurisprudence as a memorial in his honor, this proposal it would seem, should receive most serious consideration. Practically all of his library was bequeathed to the Library of Congress. The law portion thereof could well serve as the nucleus for the proposed collection. The United States Government already, in effect, affords hundreds of scholarships to employees who, while having a part in the administration of the government at the capital, are enabled to pursue their studies in the excellent law schools of Washington. The growing tendency in legal training is to decrease the output of law graduates and to try at the same time to improve the product. An outstanding collection of works on jurisprudence at the seat of government, worthy of the great jurist, would be a living, growing memorial of perpetual benefit to posterity. What other memorial could be more in keeping with the life and intellectual attainments of this great man!

Bar Associations which have endorsed H. J. R. 237 and 19

	<i>Date of passage of resolution</i>	<i>Printed in the Con- gressional Record</i>	
		<i>Date</i>	<i>Page</i>
STATE BAR ASSOCIATIONS			
Alabama State Bar Association-----	May 12, 1936	-----	-----
State Bar of California-----	Feb. 26, 1936	Mar. 3, 1936	3098
Colorado Bar Association-----	-----	Mar. 23, 1936	4147
State Bar Association of Connecticut---	Mar. 7, 1936	-----	-----
Bar Association of District of Columbia--	June 9, 1936	-----	-----
Florida State Bar Association-----	Nov. 14, 1936	-----	-----
Georgia Bar Association-----	June 12, 1936	-----	-----
Illinois State Bar Association-----	Apr. 16, 1936	June 19, 1936	10056
Indiana State Bar Association-----	Feb. 1, 1936	Feb. 20, 1936	2405
Kentucky State Bar Association-----	Feb. 26, 1936	Mar. 11, 1936	3545
Louisiana State Bar Association-----	Dec. 7, 1935	Jan. 6, 1936	47
Maine State Bar Association ^a -----	-----	-----	-----

• Endorsed personally by president, Jan. 27, 1936;

Bar Associations which have endorsed H. J. R. 237 and 19—Con.

	Date of passage of resolution	Printed in the Con- gressional Record	
		Date	Page
STATE BAR ASSOCIATIONS—Continued			
Maryland State Bar Association.....	Jan. 31, 1936		
Minnesota State Bar Association.....	Feb. 8, 1936	Feb. 22, 1936	2596
Missouri Bar Association.....		Feb. 6, 1936	1549
Montana Bar Association.....	Apr. 4, 1938		
State Bar of Nevada.....	Mar. 21, 1936	May 4, 1936	6574
New Hampshire State Bar Association..	Jan. 31, 1936		
New Jersey State Bar Association.....	Feb. 1, 1938		
State Bar of New Mexico.....	July 3, 1936		
New York State Bar Association.....	Jan. 24, 1936	Feb. 15, 1936	2126
North Carolina Bar Association.....	Mar. 21, 1938		
State Bar of North Dakota.....	Oct. 5, 1936		
Ohio State Bar Association.....	Jan. 27, 1936	Feb. 6, 1936	1549
Oklahoma State Bar.....	Feb. 28, 1936		
Oregon State Bar.....		Mar. 11, 1936	3545
Pennsylvania Bar Association.....		Feb. 15, 1936	2126
Rhode Island Bar Association.....	Feb. 10, 1937		
State Bar of South Dakota.....		Feb. 24, 1936	2613
Bar Association of Tennessee.....	Apr. 21, 1938		
Texas Bar Association.....	Feb. 8, 1936		
Utah State Bar Association.....	Feb. 1, 1938		
Vermont Bar Association.....	Sept. 4, 1936		
Virginia State Bar Association.....	Apr. 19, 1938		
Washington State Bar Association.....	May 11, 1938		
West Virginia Bar Association.....	Sept. 20, 1935		
COUNTY BAR ASSOCIATIONS			
Los Angeles (Calif.) County Bar.....	July 26, 1935	Jan. 6, 1936	47
Hennepin (Minn.) County Bar Associa- tion.....	Feb. 9, 1936		
Ramsey (Mo.) County Bar Association..	June 10, 1938		
Washoe (Nev.) County Bar Association..	Oct. 4, 1935	Jan. 6, 1936	47
New York County Lawyers Association..		Feb. 13, 1936	1950
Wake (N. C.) County Bar Association..	Mar. 2, 1936	Mar. 9, 1936	3410
Wake (N. C.) Junior County Bar Asso- ciation.....		Feb. 10, 1936	1679
Dauphin (Pa.) County Bar Association..		Feb. 14, 1936	2015
Fayette (Pa.) County Bar Association..	May 14, 1937		
Northumberland (Pa.) County Bar As- sociation.....	Feb. 7, 1936		

Report of the Librarian of Congress, 1938

Bar Associations which have endorsed H. J. R. 237 and 19—Con.

	Date of passage of resolution	Printed in the Con- gressional Record	
		Date	Page
CITY BAR ASSOCIATIONS			
Baltimore (Md.) City Bar Association	Feb. 4, 1936	-----	-----
South Side (Chicago) Lawyers Association	June 2, 1938	-----	-----
Cincinnati (Ohio) Bar Association	-----	Feb. 13, 1936	1949
Dayton (Ohio) Bar Association	May 21, 1938	-----	-----
District of Columbia Women's Bar Association	Aug. 14, 1935	Aug. 22, 1935	14047
Kansas City (Mo.) Bar Association	-----	Feb. 14, 1936	2015
Lawyers' Association of Kansas City	-----	Feb. 20, 1936	2405
New Orleans (La.) Bar Association	Feb. 19, 1936	Mar. 3, 1936	3098
Association of Bar of City of New York	Feb. 11, 1936	Feb. 20, 1936	2406
Philadelphia (Pa.) Bar Association	Feb. 10, 1936	Feb. 20, 1936	2405
Rochester (N. Y.) Bar Association	-----	Feb. 24, 1936	2613
St. Louis (Mo.) Bar Association	Feb. 7, 1936	Feb. 24, 1936	2613
Savannah (Ga.) Bar Association	Feb. 11, 1936	Feb. 25, 1936	2728
Seattle (Wash.) Bar Association	Feb. 8, 1936	Feb. 13, 1936	1949
Spokane (Wash.) Bar Association	Jan. 31, 1936	-----	-----
NATIONAL ORGANIZATIONS			
American Bar Association	July 19, 1935	Aug. 8, 1935	12711
Federal Bar Association	Jan. 14, 1936	} (b)	
American Law Institute	Feb. 12, 1936		
American Patent Law Institute	Feb. 7, 1936		
Trade and Commerce Bar Association (Chicago)	June 16, 1936		

^bNo formal resolution.

Washington Law Reporter

Among the important bibliographical activities of the Law Library during the year was the collation of the *Washington Law Reporter*. The work involved a paginal examination of the sixty-five volumes of the *Reporter*, the purchase and insertion of missing parts and the photostating of such other missing material as was unavailable by purchase. The copy of the *Washington Law Reporter* now shelved in

the Office Collection of the Law Library is complete, so far as it is possible to ascertain.

Notes were taken during the progress of the work and a pagination of the *Reporter* prepared. So far as we know, this is the only complete pagination of the *Reporter* available; it is scheduled to appear in an early issue of the *Law Library Journal*.⁷

Works Progress Administration Project

During the past fall and winter the Law Library, as sponsor of a Works Progress Administration project, was instrumental in providing employment for fifty workers for a period of six months. Several valuable projects were conducted, among which might be mentioned the resumption and extension of the inventory begun under the Emergency Works Administration project in 1934-1935 and the foundation of an index on constitutional law. Perhaps the most useful project undertaken was the classification and indexing of the collection of the United States Circuit Courts of Appeal records and briefs. The dual indexing, classification and shelving of this material was finished so far as the material on hand was concerned and this collection, although incomplete, is now available to the bench and bar of the country. All projects were supervised by regular members of the Law Library staff. It is hardly necessary to add that none of this work could ever have been undertaken with the present limited personnel of the Law Library.

Support of National, State and Local Bar Organizations

Manifestly, in order to create or maintain a great national law library, it must receive the hearty support and cooperation of the organizations of the legal profession. It was only natural, therefore, that, in the endeavor to increase the size and usefulness of the Law Library, it should seek the support of the national bar associations and the organized bars of the states and cities. To this end, a special Committee on the Facilities of the Law Library of Congress, of the American Bar Association, was created in 1932. The first committee was composed of James O. Murdock, Charles Warren, Roscoe Pound, William Frierson and George W. Wickersham. Since that date John Dickinson, Lessing Rosenthal, William S. Culbertson, Richard F. Burges, John Edmond Hewitt, Charles A. Wolverton and many other

⁷ The Law Library is interested in obtaining copies of the first eight volumes of the *Washington Law Reporter* to complete its remaining sets, and will welcome information leading to the eventual acquisition of these early volumes.

distinguished lawyers have served on this committee. The members of this committee have been directly responsible in the acquisition of valuable items and indirectly contributed to the obtaining of others. Space does not permit a detailed account of their valued assistance. However, it is a pleasant duty to acknowledge their excellent work in arousing the bench and the bar to the need for increases in appropriations and personnel and the necessity for expansion. In addition, the committee is making the legal profession aware of the requirements of a national repository of legal sources and of the duty of the profession towards its proper development, as well as of the benefits the profession may derive from it.

During the past year Representative John F. Dockweiler, of California, gave further evidence of his warm interest in the Law Library. In an article which he contributed to the May issue of the *American Bar Association Journal*, entitled "The Nation's Principal Repository of Legal Literature," he set forth the aims and objects of the Committee on the Facilities of the Law Library. He said *inter alia*:

It was generally assumed that the Law Library possessed a copy of every American law book, although a few interested members were astounded to learn that it was deficient in many respects and its appropriations were insignificant. This general apathy on the part of the bar was in marked contrast with the attitude of the medical profession towards the Army Medical Library. Although the latter had been established four years after the Law Library, with the steady cooperation and aid of the medical societies and of individuals, by 1900 it had grown to be the largest and most valuable library of its kind in the world. At the present time it actually possesses more than twice the number of volumes and pamphlets contained in the Law Library.

And this is in spite of the fact that it is frequently claimed that the number of law books published annually is appalling! Mr. Dockweiler stated that nothing more was asked for the Law Library than "an interest, similar to that displayed by the government and professional organizations in the collections of other branches of learning, as, for instance, medicine, American history, fine arts, cartography, aeronautics, etc." He indicated that considerable progress had been made since 1932, particularly in regard to increased appropriations, but that much additional work remained to be done. He related that the philanthropy of the public had enabled the Library of Congress to enlist the services of experts for the development of certain of the collections, that, as a result of recent benefactions, the general library had received endowments for chairs in music, American history, the fine arts, geography and aeronautics and that The Coolidge Auditorium and The Hispanic Room, as well as the original collection of

Hebraica, resulted from private gifts. He emphasized the significant fact that, since the establishment of The Library of Congress Trust Fund Board, although the total endowments for certain specified purposes of the Library had reached a total of \$1,500,000,⁸ no one endowment had been created in the special interest of the Law Library. Mr. Dockweiler pointed out that, while the Congress made annual appropriations for the purpose of covering the current needs and the purchase of primary and important secondary source material, there were important rare items and manuscripts which it is hardly possible to acquire by the expenditure of public funds. In conclusion, he called attention to the fact that the legal profession should aid and support the Law Library in the same manner as the other professions and learned societies support the general library and that such support might take the form of the establishment of chairs in Public, Criminal or Constitutional Law, the establishment of endowments or the providing of special bibliographical facilities.

In accordance with the resolution of the American Bar Association at its 1938 meeting in Cleveland, that the special Committee on Facilities of the Law Library of Congress be continued, the following committee was appointed by the President, Frank Hogan: Hon. Charles Leavy, of the Washington bar, chairman; Messrs. Arnold Fry, of New York; Charles M. Hay, of Missouri; John P. Bullington, of Texas and Miss Mary Agnes Brown, of the District of Columbia.

The Law Library has received also the active support of the Federal Bar Association, the District of Columbia Bar Association, the American Patent Law Association, as well as that of many of the state, city and county bar associations. These associations have been instrumental in having individual books, prints, pamphlets, memorial sketches and other miscellanies sent to the Law Library which would not otherwise be received. Many of these items are privately printed, are rarely copyrighted and the Law Library would not get them in the usual course. In pursuance of the policy of this association adopted last year,⁹ the individual members of the state and local associations have cooperated splendidly with the standing and special committees of the American Bar Association in reference to the Law Library. As a result, thirty-eight state and local associations have appointed committees in support of the aims and objects of the Committee on the Facilities of the Law Library, *i. e.*, to aid in the continued development of the collection, to the end that it may become the nation's principal

⁸ The present total is now (December 31, 1938) in excess of \$2,200,000.

⁹ A. B. A. Report, 1937, p. 885-886.

Report of the Librarian of Congress, 1938

repository of legal literature and thus meet the needs of both the government and the legal profession in the administration of justice. Until the present time the following committees have been appointed by state and local associations:

Alabama State Bar Association. J. Edward Thornton, Office of Solicitor, Court House, Birmingham

Yavapai County (Ariz.) Bar Association. Richard Lamson, Judge of Superior Court, Prescott

California State Bar Association. Sheldon D. Elliott, 712 West Thirty-sixth Place, Los Angeles

Los Angeles Bar Association. Lloyd Wright, 1124 Rowan Bldg., Los Angeles

Colorado Bar Association. Fred Y. Holland, Librarian, Supreme Court Library, Denver

Bar Association of the District of Columbia. Henry I. Quinn, Woodward Building, Washington

District of Columbia Women's Association. Judge Annabel Matthews, Wardman Park Hotel, Washington

Florida State Bar Association. Lewis Twyman, Security Building, Miami

Illinois State Bar Association. R. Allan Stephens, Springfield

Chicago Bar Association. Charles M. Thomson, 20 So. LaSalle St.

South Side (Chicago) Lawyers Association. Milford F. Henkel, 7500 Cottage Grove Ave., Chicago

Bar Association of the State of Kansas. John S. Dawson, Hill City

Louisiana State Bar Association. Yandell Boatner, Shreveport

New Orleans Bar Association. Burt W. Henry, Maritime Bldg.

Maine State Bar Association. Robert Hale, Portland

Bar Association of Baltimore City. Wendell D. Allen, Calvert Bldg.

Grand Rapids (Mich.) Bar Association. Benjamin P. Merrick, Michigan Trust Bldg.

Ramsey County (Minn.) Bar Association. Frank C. Hodgson, First National Bank Bldg., St. Paul

Lawyers Association of Kansas City (Mo.). Alfred M. Seddon, 1022 Scarritt Bldg.

Missouri Bar Association. David L. Millar, Rialto Bldg., St. Louis

Montana State Bar Association. Julius J. Wuerthner, Great Falls

Nebraska State Bar Association. William J. Hotz, 1530 City National Bank Bldg., Omaha

New Hampshire Bar Association. Fred C. Cleaveland, Judge, Municipal Court, Lancaster

New Jersey State Bar Association. William W. Evans, Paterson

New York County Lawyers Association. Lawrence H. Schmehl, 14 Vesey St., New York

- New York State Bar Association. John Edmund Hewitt, 265 Broadway, New York
- Association of the Bar of the City of New York. Charles H. Strong, 42 West 44th St.
- North Carolina State Bar Association. Julius C. Smith, Greensboro
- Cincinnati Bar Association. Alfred K. Nippert, Union Central Bldg.
- Dayton Bar Association. Robert K. Landis, 11 W. Monument Ave.
- Oregon State Bar Association. F. M. Sercombe, Portland
- Pennsylvania Bar Association. Thomas Raeburn White, Land Title Bldg., Philadelphia
- Philadelphia Bar Association. Joseph P. Gaffney, City Hall
- South Carolina Bar Association. M. G. McDonald, Greenwood
- State Bar of South Dakota. Frederick A. Warren, Judge, Supreme Court, Pierre
- Virginia State Bar Association. Col. Robert T. Barton, Jr., Richmond
- Washington State Bar Association. W. G. McLaren, Seattle
- Seattle Bar Association. Robert E. Jarvis, King County Law Librarian
- Juneau County (Wis.) Bar Association. C. E. Macomber, New Lisbon

THE LIBRARY OF THE
FEB 3 1942
UNIVERSITY OF ILLINOIS

027
U5843R
1938/39

THE LAW LIBRARY OF CONGRESS

An account of its activities
and the more important accessions
for the fiscal year ended
June 30, 1939

By JOHN T. VANCE
Law Librarian



THE LIBRARY OF THE
DEC 12 1940
UNIVERSITY OF ILLINOIS

027
U5843R
1938/39

LAW LIBRARY

THE LIBRARY OF THE

DEC 12 1940



UNIVERSITY OF ILLINOIS

FROM THE REPORT OF THE LAW LIBRARIAN,
MR. VANCE*

Accessions	1938-39		1937-38	
	Main Law Library	Supreme Court Library	Main Law Library	Supreme Court Library
By copyright.....	6, 899	-----	6, 011	-----
By gift.....	1, 739	-----	1, 600	-----
By purchase.....	^a 17, 978	1, 307	^a 18, 727	1, 118
Through Div. of Documents.....	1, 752	-----	1, 547	-----
TOTAL.....	28, 368	1, 307	27, 885	1, 118
TOTAL ACCESSIONS.....	29, 675		29, 003	
TOTAL CONTENTS OF LAW LIBRARY.....	^b 434, 144		^b 404, 469	

^a The actual number of volumes purchased and received by Accessions Division.

^b Exclusive of law material classified in the general collections.

The small number of 672 volumes represents the net increase in accessions as compared with the sum of those of the last fiscal year. The total of 29,675 volumes, however, is the largest annual number of accessions recorded, with the exception of that of the year 1935-1936, when the statistics included 7,475 duplicate volumes which were purchased for the libraries of the Supreme Court Building. From an analysis of the statistics it will be noted that the decrease in the number received by purchase, namely, 749 volumes, was more than offset by the increase in that received through copyright, gift, and international exchange.

* Reprinted from the Report of the Librarian of Congress for the fiscal year ending June 30, 1939, p. 87-142.

The Law Library has today a magnificent collection of current foreign legislation and jurisprudence, and is probably unsurpassed in its facilities for gathering current legal literature and bibliographical information thereon. In addition to receiving the usual periodic lists and catalogs, official and private, it enjoys the advantages of the international exchange system, and the assistance of the American consular and diplomatic officers abroad, as well as the foreign diplomatic representatives at Washington.

It is regrettable, however, that the Law Library is seriously wanting in printed works published during the fifteenth to the eighteenth centuries. Since 1934, special efforts have been made to develop systematically our collections of early continental European law. It has been our purpose to obtain not only all the codes and legal monuments of each nation or race, but also representative collections of the glossators, and the humanists and philosophers of the Renaissance who contributed to the development of legal science. A tentative finding or union list of desiderata relating solely to early Spanish material, compiled in 1935, revealed that the collections of the Library of Congress were far from adequate in that field. Until the beginning of the Spanish civil war considerable progress had been made in our endeavor to fill these lacunae, but since that time the acquisitions have practically ceased, save for an occasional item offered from the Netherlands or Latin America. This stagnation which applies to the development of our Spanish material may take place also in the holdings of material relating to other European countries if the present uncertainty in European affairs should continue. Fortunately, a substantial increase in Polish law books has been recorded during the last five years. It would be impossible now to duplicate this collection. At all events, the book marts of the European continent should be fruitful fields at the moment for the acquisition of important material which has been lacking so long on the shelves of the Law Library.

Special Hearing

Fortunately, the Congress continues to recognize the importance of developing the law collections.

A special hearing for the Law Library was held on February 3, 1939, by the House Appropriations Subcommittee on the Legislative Establishment. Before the Subcommittee appeared President Frank J. Hogan, of the American Bar Association; Representative Walter Chandler, of the Judiciary Committee of the House of Representatives;

Chairman Robert E. Freer, of the Federal Trade Commission, as President of the Federal Bar Association; Miss Helen Newman, Law Librarian of the George Washington University School of Law, as Secretary of the American Association of Law Libraries; and Mr. James Oliver Murdock, of the law faculty of George Washington University Law School, representing the Friends of the Law Library of Congress. The testimony of these leaders of the bar on behalf of the budget estimate of \$100,000 for the purchase of books¹ is too long to be reported here verbatim. However, a brief summary of the testimony will be of interest.

President Hogan, who himself is a well-known book collector, pointed out that the American Bar Association, through its *Journal* and *Reports*, which it distributes to its 32,000 members, is endeavoring to build up a lively interest in the Law Library of Congress, which, it is hoped, will result in gifts and bequests not only in books, but in money as well, to the end, he said, that "that specialized Library might receive something of the support which at last we are able to give the general Library, the Library of Congress." He had been surprised to learn, he stated, that the national Law Library was not the equal of the Harvard Law Library, and expressed the opinion that if the bar of this country had been as active in former years in behalf of the Law Library of Congress as it is now, such would not have been the case. He cited the fact that a former president of the American Bar Association, the late J. Hampton Carson, of Philadelphia, who had collected one of the finest private collections of law books in America, had bequeathed it to the Free Public Library of Philadelphia, where it is today on exhibition, but really not available as it would be here to students, scholars, and historians of the law. Mr. Hogan also reminded the Committee that, while through private philanthropy more than \$4,000,000 had come in recent years to the Library of Congress, practically nothing had come to the Law Library.

Representative Chandler, speaking as a member of the Judiciary Committee of the House of Representatives and as a former law librarian, stated that he had an especial interest in the Law Library and believed it was very important to keep this library abreast of the development of law and jurisprudence of the entire world, stating that this was as favorable a time as we could choose to acquire the additional books which the Law Library so greatly needs. "I do not think," said Mr. Chandler, "there is a single member of the bar who

¹ See *Hearings before the Subcommittee of the Committee on Appropriations . . . Legislative Establishment Appropriation Bill for 1940*. Washington, U. S. Gov't. Print. Office, 1939, p. 316-328.

would not like to feel that if he had need for a rare book in the law, and particularly people from the State of Louisiana who have to use books in other languages—I do not believe there would be a lawyer in the country who would not favor greatly the extension, if I may say so, of the Law Library of Congress to the point where it will at least equal the Harvard Law Library.” Mr. Chandler read into the record a letter from Mr. Charles M. Hay, of the St. Louis bar, who urged the Committee to appropriate the increase estimated, namely, \$30,000, for the purchase of books, stating that he, Mr. Hay, believed that “there should be one law library in this country at least where the lawyer, the legal scholar, and even the ordinary citizen might find every book on the subject of law that has ever been printed. The goal of the national Law Library should be no less than that, and it should be a matter of pride for the Nation to have such a law library as it must be for the bar a matter of humiliation to acknowledge that the Law Library of Congress has been neglected, and that while the great Library of Congress has the finest collection of maps, of music, of prints, of manuscripts, and even of Chinese and Russian books, that the Law Library, which is the very heart of the Library of Congress, is secondary to Harvard and in some particulars to other university libraries. While the people of my State view with pride these wonderful collections of art, music and foreign literature, I am confident that they would have some difficulty in understanding why the law department of the National Library had been allowed to become inferior to other specialized libraries, to which the public do not have access.”

Chairman Freer, of the Federal Trade Commission, pointed out in his testimony that the members of the Federal Bar Association, of which organization he was President, have to depend primarily on the collections of the national Law Library and if these are not sufficiently complete, a satisfactory study of important legal problems affecting the Government, or the Nation directly, is hardly possible or feasible. He also stated that the lawyers in the Federal service had felt for some time that the growth of the Law Library of Congress, as the central legal library of the Federal Government and the Nation, is not only a matter of supplementing the reference libraries of the different departments, but also a matter of coordinated effort and considerable economy by the avoidance of duplication.

In urging the Subcommittee to increase the appropriations for the Law Library, Miss Newman testified as to the service rendered by the Law Library to the other law libraries of the country in the mat-

ter of interlibrary loans, particularly in the field of foreign law, and also the supplementary service of photostating and microfilming, as well as the printing of catalog cards, which service is rendered in general by the Library of Congress. She also emphasized the importance of the bibliographical service rendered to the law libraries of the country by the Law Library of Congress, and the special contributions made by members of the staff to the *Law Library Journal*.

Mr. Murdock, who was the first Chairman of the American Bar Association Committee on the Facilities of the Law Library of Congress, testified that the society of the Friends of the Law Library of Congress was organized largely as a result of the American Bar Association's interest in the Law Library which, unfortunately, did not come until rather late, namely, in 1932. He had found, he said, that as a result of that Committee's interest and through discussing the matter with members of that Association at annual meetings, there was a considerable number who wished to take a more active interest in the Law Library, and do what they could to support it, as the medical profession had supported the Army Medical Library.

Thus, he stated, there was organized in 1934 the Friends of the Law Library of Congress, the purposes of which are primarily to stimulate interest in the Law Library among American lawyers generally and others interested in the law in order that it will become the Nation's principal repository of legal sources and center of juridical research. A letter which Mr. Murdock read from Judge Alfred K. Nippert, of the Cincinnati bar, President of the organization, explained the work which the society of the Friends of the Law Library was doing in informing the legal profession as to the needs of the Law Library, and in urging the members to acquire the habit of thinking of the development of the Law Library as their special undertaking. Numerous gifts of individual legal volumes had been obtained, he wrote, and the organization was sanguine that in the near future gifts of money would also be received through the efforts of the organization.

Americana

The most important acquisition of the Law Library of Congress in the field of Americana during the past year was that of a collection of pamphlet laws of the first session of the California legislature, 1849-1850. The Act of March 13, 1850, authorized the printing in pamphlet form of 800 copies in English of designated laws and joint

resolutions of a general character to be used in court until such time as the laws were printed and bound in volumes. The acquisition of this collection, one of four now known to exist, is a matter of national interest. The small number of copies of works printed in the early days of California, the unsettled character of the gold-seeking pioneers, and the numerous fires have contributed to the scarcity of Californiana.

This volume contains a copy of the very rare original Constitution of California, published by the first state printer, H. H. Robinson, who was ordered by the Senate to print one hundred copies, of which only one other copy can now be located. Also included in this collection is the rare *List of Acts Passed by the Legislature of the State of California at its First Session, in 1849 and 1850*; the *Report on the Derivation and Definition of the Names of the Several Counties of California*, by Vallejo; and, finally, ninety-seven Acts of the First Legislature, many of which are not included in any of the other three located collections mentioned above. A quaint inscription on the inside front cover of this volume illustrates the value of this material even so early as the year 1850: "This day my business required that I should have this book and for it *I was compelled to pay fifty dollars*. 'Truth is stranger than fiction.' California, San Francisco, Sept. 11th, 1850. John McHenry."

COLONIAL APPEALS

The Law Library acquired a collection of briefs on appeal to the Privy Council in England from the colonies of Virginia, New Hampshire, Rhode Island, Jamaica, Barbados, Antigua, and St. Christopher. These colonial appeals, involving all types of litigation, were taken during the latter half of the eighteenth century, and include the briefs for the appellant and respondent in each case. There were no regular law reports published in the United States prior to the year 1789, and, except for the fragmentary accounts of early trials otherwise published, these appeal papers are the only record of these early cases.

United States

Among other acquisitions are the following:

Observations on the Alien & Sedition Laws of the United States. Washington, Pa., Printed by John Colerick at the office of the Telegraphe, 1799. 43 p. (No record in the Union Catalog, Evans or Sabin.)

Colerick was the printer of Alexander Addison's *Reports of Cases in the County Courts of the Fifth Circuit, and in the High Court of Errors and Appeals, of the State of Pennsylvania* . . . 1800. It is interesting to note that in the year 1799 Colerick also printed Addison's charge to the Grand Jury in defense of the Alien Act.

An Act to amend "An Act, for Establishing the Temporary and Permanent Seat of the Government of the United States." This is a broadside of an act passed at the Third Session of Congress, and approved March 3, 1791.

An Act authorizing the President of the United States to accept the service of a number of volunteer companies, not exceeding thirty thousand men. Approved February 24, 1807.

This separate printed act is probably a copy of the first printing.

ALABAMA

Special acts of the Alabama Legislature, in force in Greene county, unrepealed by the new code; and other county information. Published by order of Commissioners' Court. Eutaw, Printed by William H. Fowler, 1853. 16 p. (No record in the Union Catalog.)

CALIFORNIA

Late political decisions of the Supreme Court of California. Sacramento, Printed at the "State Journal" office, 1855. 14 p.

- Not listed in Wagner's *California Imprints*.

CREEK NATION

Este Maskoke etvlwv emvhakv empvtakv momet emvhakv. D. C. Watson, etohtvlhocvtet os ot'voskv rvkko ennetta 15, 1892, vhakv hakvte vevkvyen. Maskoke Estecate Etlwv, E. H. Hubbard & co., svnoricvlke, 1894. 4 p. l., [7]-192, XXVII, [1] p.

This work, printed in the Cherokee language, contains the constitution, laws, and treaties of the Creek nation.

GEORGIA

Acts and resolutions of the General Assembly of the State of Georgia, passed in Atlanta, Georgia at the Session of 1870, but omitted in the compilation published by authority. Copied from the original acts and resolutions. By David G. Cotting, Secretary of State. Atlanta, Georgia, Printed by the public printer, 1870. 20 p., 2 l.

The Union Catalog locates a copy in the De Renne Georgia Library only. This supplementary publication contains the acts and resolutions of more or less public importance omitted from the authorized compilation. Fifty copies of this scarce pamphlet were reprinted in facsimile in March 1897.

IDAHO TERRITORY

Revised laws of the Spanish Bar District, Idaho Territory. Adopted by the miners, January 22, 1861. Denver, Daily mountaineer book and job office, 1861. 12 p.

KENTUCKY

Swigert, J. *The Kentucky Justice*; comprising the office and authority of justice of the peace, constable, jailers, coroners and escheators, in the State of Kentucky . . . Frankfort, Printed by Amos Kendall and company, printers for the State, 1823. viii, 267 p. (Sabin 94080.)

This is the scarce first edition of *The Kentucky Justice*. The Union Catalog locates copies also in Harvard College and the University of Chicago.

Constitution of the United States of America with the amendments; and of the State of Kentucky. Mountsterling, Ky., Printed and sold by William Streeter, 1824. 36 p.

The Union Catalog contains no record of this scarce Kentucky imprint. Also bound in this pamphlet is a copy of the Compact with Virginia entitled: *An Act Concerning the Erection of the District of Kentucky into an Independent State*, approved December 18, 1789, being Chapter XIV of the Acts passed at the General Assembly of the Commonwealth of Virginia, begun and held in Richmond, October 19, 1789.

LOUISIANA

Code de Procédure Civile de L'état de la Louisianne. [New Orleans, 1825]. 184, 4 p.

With it is bound the translation: *Code of Practice in Civil Cases for the State of Louisiana*, [New Orleans, 1825]. 170, 4 p. This draft of the Code of Practice is entitled *System of Practice Containing Rules to be Observed in the Prosecution of Civil Actions*, and was prepared, pursuant to a resolution of the General Assembly of March 14, 1822, by three jurisconsults, including Edward Livingston. Prior to the adoption of this Code, the practice was largely regulated by Livingston's *Practice Act* of 1805. It has the distinction of being the first code adopted in the United States in which the attempt was made to cover the entire field of civil practice. It has survived to the present time with no fundamental change, notwithstanding the Code of Practice of 1870. The work bears no imprint date, but the Act of February 16, 1825, providing for the printing of the work within six months, is evidence that it was not printed until some time during the year 1825. The scarcity and importance of this code led the State Bar of Louisiana to request the Legislature to arrange for its republication. Accordingly, in the year 1937, pursuant to Act 286, of 1936, it was republished in a work entitled *Louisiana Legal Archives*, which also contains the Civil Code of 1825.

MASSACHUSETTS

The General Laws and Liberties of the Massachusetts Colony; Revised & reprinted. By order of the General Court Holden at Boston, May 15th, 1672. Edward Rawson Secr. . . . [Quotation from Rom. 13.2, 2 lines]. Cambridge, Printed by Samuel Green for John Usher of Boston. 1672. t. p., 161 p.; *Presidents & Formes of things frequently used*, p. 162-170; *A Summary of the Laws*, 27 p.; *Several Laws and Orders*, May 15, 1672, 6 p. (Evans 168; Sabin 45742).

The acquisition of this copy supplies, in the original, the missing parts of the copy already in the Law Library, with the exception of the colony seal.

This work has the distinction of being the first issue of the press for which copyright by law was secured in this country. The publication of this edition of the laws was privately undertaken by John Usher, a wealthy bookseller. Suspecting that Green, the printer, might print additional copies, Usher petitioned the court for protection which was granted in May, 1672. Upon publication of the book, Usher, not yet satisfied, petitioned the court for protection for a period of seven years. In May, 1673, the court decreed "that for at least Seven years, Unlesse he shall have sold them all before that time, there shall be no other or further Impression made by any person thereof in this Jurisdiction."²

NEW JERSEY

Anno Regni Georgii II. Regis Magnae Britanniae, Franciae & Hiberniae, tricesimo. At a Session of the General Assembly of the Province of New-Jersey, held at Elizabeth-Town, the 24th of May, 1757. . . . A supplementary Act to the Act, entitled, An Act for Better Settling and Regulating the Militia of this Colony of New-Jersey; for the repelling of Invasions, and suppressing Insurrections and Rebellions . . . Woodbridge, Printed by James Parker, by order of the General Assembly, [1757]. 18 p. (Evans 7969; Sabin 53060.)

RHODE ISLAND

An Act for the more equal Representation of this State of Rhode-Island and Providence-Plantations in General Assembly. March Session, 1787. Providence, Printed by Bennett Wheeler. Broadside.

An Act to prevent Bribery and Corruption, in the Election of public Officers, in this State. March Session, 1787. Broadside.

An Act directing the Mode of choosing a Representative to Congress. Printed by Carter and Wilkinson, October Session, 1796. Broadside.

This last Act contains the signature of "Henry Ward, Sec'ry."

An Act for assessing upon the Inhabitants of this Colony a Rate or Tax of Six Thousand Pounds, Lawful Money, and Ninety-Three Thousand Six-Hundred and Eighty-Seven Pounds Fifteen Shillings and Two Pence, Old Tenor. February Session, 1769. 3 p.

This act contains the signature of "Henry Ward, Secr'y".

Orders of the Council of War, made between the sessions of the General Assembly held in October and December, 1778. Providence, Printed by John Carter, [1778]. 22 p. fol. (Evans 16048.)

UTAH

By-Laws of West Mountain Mining District! Adopted June 26th, 1872, and amended July 31st, 1875. Salt Lake City, Utah, Tribune printing and publishing company, 1875. 10 p.

Attached to this copy is a manuscript certification by Henry Thompson, Recorder of Salt Lake County, dated September 8, 1879.

² See Isaiah Thomas, *The History of Printing in America* . . . Worcester, (1810) 1, p. 248-249.

Great Britain

During the year the Law Library added a number of important items to its well known collection of Yearbooks. Five of these are from the press of William Middleton, who printed from 1541 to 1547. Most of the legal treatises printed by Middleton are dated, but all his Yearbooks are without date. The Law Library also acquired a number of early English treatises, many of which are rare first editions. Early English trials were well represented in the acquisitions for the year.

YEAR BOOKS

- 30 and 31 Henry VI. Myddylton. (Beale R 173.)
 32 Henry VI. Myddylton. (Beale R 178.)
 36 Henry VI. Myddylton. (Beale R 204.)
 37 Henry VI. Myddylton. (Beale R 210.)
 39 Henry VI. Myddylton.

This item corresponds to Beale R 219, except the collation which is the same as Beale R 218.

- 1 Edward V. Tottyll. (Beale R 381.)
 1 Richard III. Tottel, 1581. (Beale R 389.)

STATUTES

Magna Carta and other statutes. No t.p., calendar 5 l., table 9 l., with colophon dated 1514, A-N 12's. *Colophon*: Impresse in civitate Londōn per Richardum Regis Impressorē. (Beale S 4.)

Beale locates copies in the British Museum and the Harvard Law School Library only.

Magna Carta and Other Charters of English Liberties. [London], The Guyon House Press, [1938]. [41 p.]

The text is substantially the same as that given by McKechnie in his *Magna Carta*. The text revision and translation are by Noel Denholm-Young, the colored head and tail pieces by Berthold Wolpe, and the work has been printed and bound by Theodore Besterman, assisted by V. H. Ridler and F. J. Cotton. Six copies of this work were printed on vellum and marked A-F, of which the Law Library acquired copy D. Two hundred and fifty copies were also printed on Batchelor hand-made paper.

TREATISES

[Ap-Robert, John]. The Younger brother his Apologie, or, a Fathers free Power disputed, for the disposition of his lands and other his fortunes to his sonne, sonnes, or any one of them, as right Reason, the Lawes of God and nature, the Civill, Canon, and Municipall Laws of the Kingdome doe command . . . Oxford, Printed for John Lichfield for Edward Forrest, 1624, [i. e., 1634]. (S. T. C. 716). 5 p. l., 56 p., 1 l.

The British Museum Catalog attributes this work to J. Ap-Robert; the Harvard Law School Catalog attributes it to John Allen. As early as the

year 1737, W. Oldys described the work as a scarce tract, but failed to throw any light upon its authorship (See W. Oldys, *The British Librarian*, p. 210).

Dalton, Michael. *Officium Vicecomitum*. The office and authoritie of sherifs. Written for the better encouragement of the gentrie (vpon whom the burthern of this office lyeth) to keepe their office, and vndersherife, in their houses; that so by their continuall care of the businesse, and eye over their officers, they may the better discharge their duties to God, their Prince, and Countrey, in the execution of this their office. Gathered out of the statutes, and bookes of the common lawes of this kingdome . . . London, Printed for the Companie of stationers, 1623. Cum priuilegio. (S. T. C. 6212). 3 p. l., 195, [10] p.

This is the first edition. It was the standard authority until the beginning of the eighteenth century.

Dugdale, William. *Origines juridiciales*, or historical memorials of the English laws, courts of justice, forms of tryall, punishment in cases criminal, law writers, law books, grants and settlements of estates, degree of serjeant, Innes of court and chancery. Also a chronologie of the lord chancellors and keepers of the great seal, lord treasurers, justices itinerant, justices of the Kings bench and Common pleas, barons of the Exchequer, masters of the rolls, Kings attorneys and solicitors, & serjeants at law. London, Printed by F. and T. Warren for the author, MDCLXVI. 332 p.

This is the scarce first edition which, with the exception of a few copies previously distributed, is said to have been destroyed in the London fire of 1666. Dugdale's work furnishes us with some account of the origins of English law and English legal institutions, together with an interesting account of the legal profession and the Inns of Court. Chapters XXIII and XXIV are devoted to a "Catalogue of Law Books," and thus give Dugdale the distinction of anticipating, by five years, the bibliographical work of Thomas Bassett, compiler of a *Catalogue of the Common and Statute Law Books of this Realm*, the first bibliography of English jurisprudence, published in London in the year 1671.

[Fox, Edward]. *Opus eximivm, de vera differentia regiae potestatis et ecclesiasticae, et quae sit ipsa veritas ac virtvs vtriusque*. Londini in aedibvs Tho. Bertheleti. M. D. XXXIIII. Cvm privilegio. (S. T. C. 11218). 63 numb. 1.

The Union Catalog locates copies in the McAlpin Collection, and the Henry E. Huntington Library only. The authorship of this treatise has been attributed to both King Henry VIII, and Edward Fox, Bishop of Hereford. It has been established, however, that the book was written by Fox and revised by the King and bishops. During its revision it was called the King's work. In the year 1548, it was translated by Henry Stafford, but no notice was taken of the author, probably because the work passed through so many hands (See Ames, *Typographical Antiquities*, 1st ed., 1749, v. 1, p. 354, and other editions).

[Rastell, John]. *Les termes de la Ley: or, certaine difficult and obscure words and termes of the common lawes of this realme expounded*. Now newly imprinted, and much enlarged and augmented . . . London, Printed for the Company of stationers, 1624. Cum priuilegio. 7 p. l., 311 numb. 1. (S. T. C. 20716; Cowley 122).

The first edition of this work was published in the year 1527 under the title *Expositiones Terminorum Legum Anglorum*. It was the first English law diction-

ary published, and has passed through twenty-nine editions, the latest of which appeared in the year 1819. The edition acquired by the Law Library during the year is the sixteenth, and the first to adopt the new title *Termes de la Ley*. The Anglo-Norman text is accompanied by a parallel English translation (see Cowley, John D., *Bibliography of Abridgments*, 1932, p. lxxxix).

Saint Germain, Christopher. The fyrste dyaloge in Englysshe, with newe addycions. *Colophon*: Imprynted by me Robert Wyer dwellynge at the sygne of saynt John Evangelyste, in saynt Martyns parysshe, besyde Charyng-crosse, in the Bysshop of norwych rentes. [1531]. lxxvii, [2] l. (Beale T 464.)

With it is bound: *The secund dyalogue i Englysshe wyth new addycions*. *Colophon*: Imprynted at London in Southwarke by Peter Treueris, 1531. clxvi, [6] l. (Beale T 469.)

The first Dialogue was published in Latin in the year 1523 under the title *Dialogus de fundamentis legum Angliae et de Conscientia*; the second Dialog was published in English in 1530. The present copy is of the second edition of this famous work, which consists of two dialogs between a doctor of divinity and a student of the laws of England. They contain discussions as to the nature and objects of law together with the principles underlying the canonist view of the necessity and reason for the existence of equity. This treatise became known as the *Doctor and Student*, and is reputed to have exercised as great an influence upon the development of modern equity as Bracton's work has exercised upon the development of the common law (see Holdsworth, *A History of English Law*, 2. ed., 1937, v. 5, p. 269).

The following edition of the *Doctor and Student* was also acquired:
The Dialogue in English, between a Doctor of Divinity, and a Student in the Lawes of England. Newly corrected & imprinted, with new additions. London, Printed by Thomas Wight, 1604. Cum priuilegio. 176, [4] l. (S. T. C. 21577).

Sheppard, William. Englands balme: or, proposals by way of grievance & remedy; humbly presented to His Highness and the Parliament: towards the regulation of the law, and better administration of justice. Tending to the great ease and benefit of the good people of the nation . . . London, Printed by J. Cottrel, for Hen. Fletcher, 1657. 11 p. l., 215 p., [4] l.

The Dictionary of National Biography lists twenty-four works written by Sheppard between the years 1641 and 1675. *Englands Balme* was written to advise the Council of State upon matters of law reform, and many of Sheppard's schemes was very much like those carried out in the nineteenth century by the Judicature Act (see Holdsworth, *A History of English Law*, 2. ed., 1937, v. 1, p. 432).

Spelman, Sir Henry. Tithes too hot to be touched. Certain treatises wherein is shewen that tithes are due. By the law of nature, scripture, nations, therefore neither Jewish, Popish, or inconvenient. With an alphabetical table . . . London, Printed for Philemon Stephens, [1646]. 27 p. l., 189 (i. e., 183) p., 1 l., [32], 27 p.

This work was edited by Jeremiah Stephens, literary coadjutor of Sir Henry Spelman. It was presumably written in support of Richard Montagu and in opposition to Selden (see *Dictionary of National Biography*, v. 53, p. 332).

Wingate, Edmund. The body of the common law of England: As it stood in force before it was altered by statute, or acts of Parliament, or State. Together with an exact collection of such statutes, as have altered, or do otherwise concern the same. Whereunto is also annexed certain tables containing a summary of the whole law, for the help and delight of such students as affect method . . . The second edition corrected and amended. London, Printed for H. Twyford in Vine Court Middle-Temple, and Roger Wingate, at the Golden Hynd in Chancery Lane, 1655. 2 p. 1., 90, 76 p., 22 l.

Wingate, a mathematician of renown as well as a legal writer, is the author of *Statuta Pacis* (London, 1641, 1644); *An Exact Abridgment of all the statutes in force and use from the beginning of Magna Carta* (London, 1642, 1655, 1663; continued through nine editions by William Hughes); *Justice revived: being the whole office of the country justice of the peace* (London, 1644, 1661); and *The exact constable with his original and power of the office of churchwardens* (London, 1660, 2. ed.; 1682, 6 ed). He also published an edition of *Britton* in 1640 (see *Dictionary of National Biography*, v. 21, p. 651).

A collection of eighteen English trials printed from 1679 to 1705 was added to the Law Library holdings. Among these are several *causes célèbres*, including those of the Earl of Shaftesbury, the Earl of Essex, the Earl of Pembroke, William Lord Archbishop of Canterbury et al.

Austria

Among the Austrian material an unusual collection of seventy-four leaflets was purchased of special value to scholars interested in the history of popular criminalistic literature in Austria. It comprises thirty-four copies of *Die Urtel*, the popular title of the leaflets, printed and distributed under Austrian criminal procedure after the execution of a death sentence. They contained the sentence and a brief statement of facts. These *Urteln* (judgments) cover the early nineteenth century and give a vivid picture of the methods of crime detection. The collection comprises also forty miscellaneous crime stories from the early nineteenth century.

Czecho-Slovakia

Sbírka spisů právnických a národohospodářských, . . . vydávají Karel Engliš a František Weyr. Svazek 1-86, Brno, 1922-1937.

This collection of legal and economic treatises consists of separate monographs each forming a volume (*svazek*) written by well known Czechoslovakian scholars in the field of law, political science, and political economy. Several volumes contain the yearbook of the Masaryk University Law School in Prague. The editors, Karel Engliš, economist, and František Weyr, authority in public law, who are also contributors to this series of treatises, enjoy an international reputation in their respective fields.

France

Tiraqueau, André. Tractatvs, cessante causa cessat effectvs. Le mort saisit le vif. De ivre constitvti possessorii L. Boves § Hoc sermone, de verborvm significatione. Tertia hac . . . editione . . . , Lvgdvni, apvd Gvliel. Rovillivm Cu[m] priuilegio Regis. M.D.LIX.

——— De privilegiis piaae causae tractatvs. Lvgdvni, apvd Gvliel. Rovillivm. Cu[m] priuilegio regis. M.D.LX.

This work and the preceding one have titles within ornamental woodcut borders. Woodcut portraits of the author on verso of the title page.

——— Ex commentariis in pictonvm consvetvdines sectio de legibus connubialibus, & iure maritali. Lvgdvni, apvd Gvlielmvm Rovillivm, svb scvto veneto. M.D.LXXXI.

Woodcut portrait of the author on verso of title page.

——— Same, M.D.LXXXVI.

André Tiraqueau (Latin form: Andreas Tiraquellus), 1480–1558, was famous among his contemporaries for his erudition as well as his prolific and judicial mind. He was also a friend of all the contemporary men of letters. Brisson, the president of the *Parlement* of Paris, of which Tiraqueau was a councillor, called him Varro of the sixteenth century. Rabelais, who owed him his liberation from prison, addressed him in *Pantagruel* as “le bon, le docte, le sage, le tout humain, tout debounnaire et equitable André Tiraqueau.” Chancellor Michel de l’Hôpital praised him in Latin verses.

Among the works acquired the first two items are collections of various monographs on succession and other special subjects of civil law. The two last mentioned are editions of Tiraqueau’s famous Latin commentary to the *Coutumes du Poitou* considered by Glasson (v. VIII, p. 79) among the most noteworthy. Both editions of the *coutumes* are printed in contemporary French. According to Glasson, they are replete with originality and show some English influence.

Loyseau, Charles. Traicté dv degverpissement et delaissement par hypotheqve . . . Edition troisieme. A Paris, chez Abel L’Angelier au premier pillier de la grand’salle du Palais. M.DC.X. Avec privilege dv roy.

This work by Charles Loyseau (1567–1627) gained a high reputation among his contemporaries for his success in combining the principles of the French customary law with those derived from Roman Law for the regulation of property rights in France. Even his adversaries, such as Julien Brodeau (d. 1653), defined it as “one of the most exact, laborious and judicial items that appeared in our time”, and suggested that the book was too good to have been written by Loyseau (Taisand, *Les vies des plus célèbres jurisconsultes*, 1737, p. 342).

Milles de Souvigny, Jean. Style et pratique fondez et adaptez avx ordonnances royavx et covtvmes de France . . . À Lyon, à l’enseigne de la salamandre, 1556. *Colophon*: Lugduni, excvdebat Hethor Penet impensis honestorum virorum Ioannis ac Claudij Sennetoniorum fratrum.

Germany

Among the acquisitions of the Law Library is a very rare incunabulum entitled:

Disz Ist Kuning Karlis von Franckrich gebot mit bezugung oder protestacion durch gantz ytalien vnd welsch landt vszgangen. Mit sampt den Artickelen des Vertrags So zwisschen Vnserm Heiligen Vatter babst Allexandro dem VI. Vnd kunig Karle vō Franckrich yetz ym negst vergangnen Jenner zu Rom vertedingt Vnd abe geredt syndt. n. p. n. d. [Strasbourg, Matthias Hupfuff, 1497?]. *Colophon*: Geben am XV. tag des Jenners im M.cccc. vnd lxxxv. iar.

The title-page shows a woodcut representing the Pope and King Charles together holding a document to which two seals are attached. The first four pages of this incunabulum contain the *protestacion* of Charles VIII of France, which is dated Florence, November 22, 1494. On the following seven pages is printed a convention concluded between King Charles and Pope Alexander VI on January 15, 1495. Hain does not state who printed this item, nor when and where it was published. According to Schreiber, another copy of this convention was printed at Nuremberg (c.1495) by F. Creussner, while he ascribes the present copy to Hupfuff, of Strasbourg, and gives the year 1497 as its probable date of printing. It is also noted that the title of the Nuremberg copy consumes eight lines while that of this copy is nine. Schreiber observes that the woodcuts on the title-page of both items are similar. (Cf. Schreiber, *Manuel de l'amateur de la gravure sur bois et sur métal au XVe siècle*. v. 5, pt. 2, p. 51).

Layenspiegel. Von rechtmässigen ordnungen inn Burgerlichenn vnd peinlichen Regimenten Mit Additionen vrsprünglicher rechtsprüchen. Auch der Guldin Bulla/Künigklicher Reformation/Landtfriden, etc. Sampt bewärungen gemeyner rechten/vnd anderm anzeygen Newlich getruckt. Anno M.D.XXXVIII. *Colophon*: Getruckt zu Straszburg/durch Johannem Albrecht/am XII. tag des Mertzen/Im jar als man zalt nach der geburt Christi vnsers Herren M.D. XXXVIII. Title printed in red and black letters over woodcut.

Ulrich Tengler's *Layenspiegel* (*speculum popolare*) was first printed in 1509 at Augsburg by Hansen Othmar. Tengler himself, shortly before his death, prepared a new and enlarged edition entitled *Der neuë Layenspiegel*, which also came from Othmar's press in Augsburg, and a copy of which the Library acquired some years ago. This edition is of special interest because it contains a woodcut of Tengler himself who, in the presence of seven electors (*Kurfürsten*) is offering his work to Emperor Maximilian I. The picture shows Tengler surrounded by his fourteen sons, his three wives and ten daughters. Most prominent among them is his son Christopher, a professor of canon law at Ingolstadt and recognizable by his tonsure, who had assisted his father in the publication of his book which was to become the outstanding legal work of that time and which, according to Stintzing, was to govern the legal practice for more than half a century. During the years 1514 to 1560 not less than ten additional editions of Tengler's *Layenspiegel* were published in Strasbourg.

The present edition (1538) contains a preface in German, partly in rhyme and meter, by the famous Sebastian Brant, author of the *Narrenschiff*, an introduction in Latin by Jacob Locher, "*philomusus, poeta et orator laureatus*", and an epigram and epitaph by Tengler himself. The *Layenspiegel* proper is printed

on 128 leaves and consists of three parts dealing with: (1) public law, (2) civil law, and (3) criminal procedure. This copy is provided also with an extensive index. Tengler's work is based chiefly on the works of Italian jurists and also on German legal sources. It became at once so renowned that it displaced most of the popular literature intended for the legal practice with the exception of one notable publication, the *Klagspiegel*. (Cf. Stintzing, *Gesch. d. dtsh. Rechtswissenschaft*, v. 1, p. 83-87; Stintzing, *Gesch. d. popul. Literatur*, c. 7; Eisenhart, in *Allgem. dtsh. Biographie*, v. 37, p. 568 ff.; Stobbe, *Gesch. d. dtsh. Rechtsquellen*, v. 2, p. 170-3).

Der Richterlich Clagspiegel. Ein nutzbarlicher begriff/Wie man setzen vnnd formieren sol nach ordnung der Rechten ein yede Clag/Antwort/vnd aussprechene Vrteilen. Gezogen ausz Geistlichen vnd Weltlichen Rechten. Dadurch sich ein yeder/er sey Clager/Antworte/oder Richter/in recht geschickt machen/dasselb üben/brauchen/vnd dargegen vor vnrechter that/anfechtung/vnd fürnemen verhüten mag. Durch Doctorem Sebastianum Brant/wider durchsichtiget/vnd mit mererm fleisz von newem zum teil gebessert. Anno M.D. XLII. Woodcut on title page same as that on title page of *Layenspiegel* (1538 edition), described above. *Colophon*: Getruckt zu Straszburg/durch Wendel Rihel/vnd Georgen Messerschmidt/am fünfften tag des Augstmonats/Im jar als man zalt nach der geburt Christi vnsers Herren. M.D.XLII.

Just as the glossators, three centuries earlier, had endeavored to confirm the practical introduction of the Roman law first of all through commentaries on the *actiones*, so in Germany there appeared at the beginning of the fifteenth century the first and most influential law book on procedure. It is a detailed representation of Roman law written in the German language which at first appeared in manuscript and was printed in 1470 with a number of other editions following this one. This work originally came out without any title. Neither the only known written copy, nor the oldest print had a title. Later editions during the latter part of the fifteenth century were entitled *Ein neu geteutsch Rechtsbuch gezogen aus geistlichen und weltlichen Rechten*, and *Clag, Antwort und ausgesprochene Urtheil gezogen aus geistlichen und weltlichen Rechten*. The edition published in Strasbourg in 1516 which had been prepared for publication by Sebastian Brant was the first which bore the title *Der richterlich Clagspiegel* (the mirror of judicial complaints), which has been retained in subsequent editions. The author of this *geteutschte Rechtsbuch*, whose name is unknown and who wrote it in Hall, Swabia, says that his only object in writing the book was "to give useful instructions as to how a party must conduct himself in court, so necessary in the practice of the day." He intended to write it for an "unlearned public, for whom he wished to produce an easily intelligible handbook for practical use."

The *Clagspiegel* consists of two parts (*Traktate*) of which the first and more important one treats of civil law and the second one of criminal law and civil procedure. The present edition (1542) is a folio consisting of 135 leaves. Aside from the woodcut on the title page there are two additional woodcuts, one preceding each of the two parts into which the work is divided. (Cf. Bethmann-Hollweg, *Civil-prozess d. gem. Rechts*, v. VI, p. 18 ff.; Stintzing, *Gesch. d. dtsh. Rechtswissenschaft*, v. 1, p. 43-46; Stobbe, *Gesch. d. dtsh. Rechtsquellen*, v. 2, p. 167 ff.; *Continental Legal Hist. Series*, pt. 4, sec. 18, p. 359-361.

Sechsisch Weychbild vnd Lehenrecht/Itzt auff's new/nach den warhafften alden exemplarn vnd texten mit vleis corrgirt/vbersehen vñ restituirt/sampt eim newen Register oder Remissorio gantz verstendtlich vber diese zwey bücher vñ den Sachsenspiegel gemacht/Darzu bey dem Weychbild vnd Lehenrecht vill nützlicher addiciones vnd conerodancien/Auch etliche Vrtell/darinnen mancherley felle/so in teglichem gebrauch gehalten werden/begriffen/zunutz allen denen/so sich Sechsischs rechtens gebrauchen müssen. Anno Dñi. 1537. *Colophon:* Gedruckt zu Leyptzigk/vnd volended am xv tag Aprilis. im Tausent/fünfhundert vnd sibenundreissigsten Jare. Michael Blum. Printer's mark.

Literary presentation of city law like that of territorial and feudal law, observes Munroe Smith, had its beginning in Saxony where the law of Magdeburg was usually employed as a model. One of the earliest of these compilations is known as the Saxon *Weychbild* or *Weichbild*, which consists of a digest of decisions, followed by a treatise on the jurisdiction and procedure of the city court. In the form in which it has come down to us, it appears to be a collection of separate treatises written by different authors, the oldest manuscript dating from the end of the thirteenth century. This work was translated into Latin, Polish, and Bohemian, and was to a large extent cited as authority in Polish and Bohemian city courts.

The copy acquired by the Law Library was edited by Christoff Zobell (1499-1560), a Saxon jurist and a professor of law at the University of Leipzig, who became renowned through his translation and publication of the *Sachsenspiegel*, which played so important a part in early German legal development, and which was published during the years 1535 and 1537, the latter being the same year in which his edition of the *Weychbild* was printed.

The *Register* or *Remissorium*, although only an appendix to the principal work should prove to be of particular usefulness to students of European legal history, since it is a detailed and annotated exposition of the provisions of the *Sachsenspiegel*, the feudal law and the city law during the latter part of the middle ages. (Cf. Stobbe, *Gesch. d. dtsh. Rechtsquellen*, v. 1, p. 403 ff.; Schroeder, *Deutsche Rechtsgeschichte*, p. 696; Stintzing, *Gesch. d. dtsh. Rechtswissenschaft*, v. 1, pp. 10 and 549; *Continental Legal History Series*, v. 1 (General Survey), p. 328 ff.; Smith, *Devel. of Europ. Law*, ed. by Carl L. W. Meyer, p. 250; *Allgem. dtsh. Biographie*, v. 45, p. 382-3).

Hungary

The legal system of Hungary is of special interest for Anglo-American lawyers, since it is, unlike most of the Continental legal systems, based upon judicial precedents and custom rather than statute. Hungarian private law is still in force in some parts of Rumania, Yugoslavia, and Slovakia. The Law Library succeeded this year in substantially increasing its Hungarian legal literature in accordance with a list prepared some time ago. About 500 items, embracing about 1,000 volumes, brought the Hungarian collection closer to the level of other foreign collections. The bulk of the acquisitions consists of current reference books, but various old and

scarce items were also secured. Among the latter the following deserve special notice:

EARLY CODES

Corpus juris Hungarici, seu decretum generale, incltyti regni Hungariae, partiumque eidem annexarum, in tres tomos distinctum . . . Tyrnaviae, Typis academicis, per Joannem Andream Hormann, Anno M.DC.XCVI.

This is the first comprehensive compilation of Hungarian statutes, which, after being revised and amended, went through several editions. The first attempt to compile Hungarian statutes was made by János Zsámbóky. This compilation covered the period from 1000 to 1481, and was published as an appendix to Bonfinius' *Historia* in Frankfort in 1581. A work much superior to this was produced later by the bishops Zakár Mossoczy and Miklós Telegdy, who published a volume under the title *Decreta, constitutiones, et articuli Regum I. Regni Hungariae, etc., Tyrnaviae, 1584.* The next edition, prepared by Martón Szent-Ivanyi, is the one acquired by the Law Library. The title *Corpus juris Hungarici*, then used for the first time, became thereafter traditional as a title of a chronologically arranged complete collection of Hungarian laws printed from time to time. The first volume of the set contains *Tripartitum* by Werböczy (*infra*), the second the Mossoczy collections, and the third the later acts. The second and third volumes were reprinted in 1734 and the first in 1743; János Szegedi prepared another revised edition in 1751 which was reprinted in 1779, 1822, and 1844, the last volume being always brought up to date. (See Wenzel, *A Magyar és Erdélyi magánjog rendszere*, v. 1, Buda 1863, p. 26; Frank, *Principia juris civilis Hungarici*, v. 1, Pestini, 1829, pp. 12-13.) The Law Library also possesses the 1822 edition.

Werböczy, István (b. 1460 or 1470, d. 1542). *Tripartitum opus. iuris consvetudinarij incltyti regni Hungariae. Per spectabilem et magnificum dominum Stephanvm de Werbewtz, Personalis praesentiae regiae maiestatis olim locum tenentem, accuratissimè aeditum . . . impressum Viennae Pannoniæ superioris, per Ioannem Syngrenium Typographum. Anno reparate Salutis M.D.LXI.*

This is the fourth edition of Stephen Werböczy's compilation of the Hungarian customary law, which being first printed in 1514 became the basis of the present private law of Hungary. Although never promulgated as a law it acquired an indisputable authority and until 1848 was the most important source of customary law in Hungary. Certain portions of it are still considered in effect. The acquired edition contains the text in Latin as it was originally written by Werböczy. It is the earliest edition of the *Tripartitum* listed in the Union Catalog.

FIRST LEGAL TREATISES

Husztly, István. *Jurisprudentia practica seu commentarius novus in jus Hungaricum. Liber primus [-tertius]. Tyrnaviae, typis Collegii academici Societatis Jesu, Anno M.DCC.LXVI.*

Fleischhacker, Joannes (Jakab?). *Institutiones juris Hungarici, praemissis ejusdem historia, a prolegomenis, tres in libros divisae. Posonii, Typis Joannis Neb. Schauff, MDCCXCV.*

Bodó, Mátyás. *Jurisprudentia criminalis secundum praxim et constitutiones Hungaricas in partes duas divisa*. Posonii, ex typographia Joannis Michaelis Landerer, anno M.DCC.LI.

These three items represent the treatises which form the beginnings of the modern scholarly legal literature of Hungary. Huszty's work, which first appeared in 1745 and was reprinted for the last time in 1791, covered, like Fleischhacker's treatise, the entire field of Hungarian law and continued to enjoy the greatest authority in the first part of the nineteenth century. (See Frank, *Principia juris civilis Hungarici*, v. 1, 1829, p. 9; see also Wenzel, *op. cit.*, v. 1, p. 122). Bodo's work is limited to the criminal law and is considered to be the first attempt at a scholarly treatment of Hungarian penal statutes and judicial precedent. (Kautz, *A magyar büntelöjog tankönyve*, Budapest, 1881, p. 54-55; Pauler, *Büntelöjogtan*, Pest, v. 1, 1872, p. 31.)

Italy

The self-government exercised by the minor Italian states and municipalities during the Middle Ages and Renaissance produced a number of codes of local laws and customs known as *statuta municipalia*. The Law Library collection of Italian *statuta* is rather meager. Only about thirty major municipalities are represented, while the number of printed statutes exceeds one thousand (Giudici, I, part 2, p. 557 *et seq.*) The Law Library acquired the following:

AVERSA

Commentaria ad consvetudines Aversanas . . . avthore D. Nvntio Pellicia . . . cvm . . . nova itidem repetitione . . . D. Bartholomei Camerarij . . . Venetiis, apud Iuntas, MDCV. Woodcut printer's device.

The only edition of these local *statuta* of the Kingdom of Naples recorded by Manzoni (I, 40).

MARCHE

Aegidianae constitvtiones cvm additionibvs carpensibvs nunc denuo recognitae, & a quampluribus erroribus expurgatae, cum glossis . . . Gasparis Caballini de Cingulo . . . Cvm privilegiis svmmi Pontificis et Senatvs Veneti. Venetiis MDLXXI. Woodcut printer's device. Woodcut full page image of Justice on p. [14] and at end.

This is a compilation of laws that were in force in the province of Marche in the city of Ancona, in southern Umbria, in a part of Romagna and a part of Latium. It was issued by Cardinal Gil Alvarez Carrillo de Albornoz during the middle of the fourteenth century when he was sent by Innocent VI, the last Pope of Avignon, to recapture the province. The copy of the Law Library differs from the description given by Manzoni (I, 18-19, VI-VIII). He describes editions of 1571, 1576, and 1585, all with varying titles. Our copy has the title given by him for the 1585 edition, but consists of the same parts as given for the 1571 edition and differs slightly in pagination from the latter.

MILAN

Statvta Mediol. cvm appostillis . . . Catelliani Cottae . . . Quibus deinde copiosus adiectus est elenchus, una cum annotationibus quibusdam ad ipsa statuta maxime facientibus . . . D. Antonio Rubeo nunc primum in lucem aeditus. Cvm privilegio Caesareo. Mediolani, apud Antonium Castellionaeum impensis D. Io. Baptistae & fratrum de Serono. Anno M.D.LII. Title-page within ornamental woodcut border.

Novissima Mediolani statvta, M.D.LII. *Colophon*: Impressum Mediolani apud Ioan. Antonium Castilionaeum Mediolanensem. Impensis D. Jo. Baptistae et fratrum de Seronib[us]. Anno a Virgineo partu. M.D.L. Woodcut printer's device at end.

Manzoni's description of *Statuta cum appostillis* (I. 270, VI), taken from an Italian bibliography by Berlan Francesco, concurs with our copy.

PALERMO

Felicis, et fidelissimae Urbis Panormitanae selecta aliquot ad civitatis decus, et commodum spectantia privilegia per instrumenta varia Siciliae a regibus, sive proregibus, collata, S. P. Q. P. auctoritate, et sumptibus edita, et in unum hoc congesta volumen, atque quadruplici, novoque indice locupletata opera don Michaelis de Vio. Panormi, in Palatio senatorio per Dominicum Cortese, MDCCVI.

Concurs with the description by Manzoni (I, 346) except for the spelling of the Latin name of Palermo province, which Manzoni indicates as *Panhorma*.

PERUGIA

Primum [-quartum] volumen statutorum Auguste Perusie magistratuum ordines et auctoritatem aliaque egregia ciuitatis ordinamenta continens nuper emendatum auctum et impressum ad publicam vtilitatem. *Colophon* (varies): v. 1. Pervsiae in aedibvs Hieronymi Francisci Chartvlarii avgvsto mense M.D.XXVI; v. 2. Perusie p[er] Hieronymu[m] Fran[ci]sci Baldasarris de Cartholarijs. M. ccccc.xxij. die. 3. Aprilis; v. 3. . . . M. ccccc.xxij. die 23. Julij; v. 4. . . . maio mense M.D.XXVIII. Each volume and the *tabula* preceding v. 1 have a separate title-page. Title-page with woodcut coat-of-arms of Perugia within woodcut ornamental border.

This first edition, according to Manzoni, was difficult to find in trade at his time, *i.e.*, in 1876 (I, 360-362).

RIVIERA DI SALO

Statvta civilia Riperiae. *Colophon*: Salodii, M.DC.XX. Apud Bernardinum Lantonum. Index.

Statvta criminalia Riperiae. *Colophon*: Salodii M.DC.XXI. Apud Bernardinum Lantonum.

The *statvta criminalia* correspond to the edition which Manzoni considered rare (I, 411, V). The *statvta civilia* are in an edition unrecorded by Manzoni.

RECANATI

Ivra mvnicipalia, sev statvta admodvm ill. Civitatis Recaneti. Qvatvor libris distincta. Vna cvm eorvndem reformationibvs. Qvibvs postremo loco Bvlla Clem. VIII. Pont. Opt. Max. svper bono regimine civitatvm accessit. Recaneti, M.DCVIII. Ex typographia Antonij Braidæ.

Manzoni (I, 401) considered this edition to be uncommon; Lozzi calls it "rarissimo". It is the only edition of *statuta Recaneti* recorded by Manzoni.

REGGIO D'EMILIA

Statvta magnificae commvnitatis Regii. Regii, apud Herculianum Bartholum. M. D. LXXXII. De mandato dominorum superiorum.

This copy corresponds to the description given by Manzoni (I, 404, IV).

ROME

Statvta almae vrbis Romae avtoritate S. D. N. D. Gregorii Papae XIII. Pont. Max. a senatv, popvloq. Rom. reformata, et edita. Romae, in Aedibus Populi Romani. MDLXXX.

This issue corresponds to the description given by Manzoni (I, 420, VI).

URBINO

Decreta, constitvtiones, edicta, et bannimenta Legationis Urbini, nunc primum in lucem edita iussu eminentissimi, et reverendissimi Cardinalis Astallii Legati. Pisavri. MDCXCVI. Typis Dominici, & Fratrum de Gottis. Superiorum permissu.

This copy corresponds with the description given by Manzoni (I, 567, II).

Latin America

During the past year more than 1,600 items in the Law and closely related fields were acquired, about half of these bearing 1937, 1938, and 1939 imprints. Efforts directed at the acquisition of current legal publications shortly after their issue were more fruitful this year than in the past, and it was therefore possible to include bibliographical notices for over 300 works, received and examined, in the legal section of the 1938 *Handbook of Latin American Studies*.

Among the earlier acquisitions, two Mexican legal manuscripts are of interest:

Executorias, papeles, é Instrumtos que conducen ala nobleza, é hidalguía de las familias de los Fernández, Monteros, Prietos y Galvanes.

The main portion of the work is devoted to a trial held in 1635-1636, which was decided in favor of the brothers Juan and Miguel Fernández, the defendants, and consists of depositions of many witnesses, proving that the brothers were *hijosdalgo* (of noble birth and descent), and as a result they would be exempt from payment of taxes and levies to which ordinary persons and peasants were subject. On the last leaf is a rough chart showing the family tree of the defendants, and the first page contains its coat-of-arms in colors.

Iuan Gutiérrez de Peralta vezino desta ciudad en el pleyto que contra mi trata Lorenzo Sánchez. [1598]. 348 unnumbered pages.

This illuminated sixteenth-century manuscript contains petitions of the defendants and testimony of witnesses in the case of one Lorenzo Sánchez against Juan Gutiérrez de Peralta and Alonso de Peralta for a debt of 400 pesos in gold. The defendants pleaded for release from prison on the ground that they were of noble birth (*hijosdalgo*) and this petition was granted to them by the *corregidor*.

The Law Library also acquired an interesting Brazilian item, belonging to the *Constituições diocesanas*, which are described further in the section referring to Portugal. The item is entitled:

Constituições primeyras do Arcebispado do Bania feytas, & ordenadas pelo illustrissimo, e reverendissimo senhor D. Sebastião Monteyro da Vide, Arcebispo do dito Arcebispado, & do Conselho de Sua Magestade, Propostas, e aceytas em o synodo diecesano, que o dito senhor celebrou em 12. de Junho do anno de 1707. Coimbra, No Real Collegio das Artes da Comp. de Jesus, M.DCCXX.

These *constituições* were promulgated by Archbishop Sebastião Monteiro da Vide (1643–1722), who received a degree in Canon Law at Coimbra (Portugal), and became Bishop of Bahia (Brazil) in 1701. The *constituições* were adopted at the synod of 1707, and were first printed in Lisbon in 1719. The present and last edition is a reprint of the first one and is of equal value (See I. F. da Silva, *Diccionario bibliographico portuguez*, Lisbon, 1859, tomo 2, p. 98, no. 414). Although these *constituições* were promulgated originally for the diocese of Bahia, they later became applicable to all the Brazilian dioceses (F. da Almeida, *Historia da igreja em Portugal*, Coimbra, 1917, tomo 3, p. 529, 970). This volume also contains *Catálogo dos Bispos que teve o Brasil até o anno de 1676*, and *Regimento do Auditorio Ecclesiastico do Arcebispado da Bahia*, which form an integral part of the book in spite of separate pagination (I. F. da Silva, *op. cit.*, p. 99).

Netherlands

Verzameling van arresten ban den Hoogen Raad der Nederlanden, door J. van den Honert, voortgezet door I. C. M. van den Honert en C. C. E. d'Engelbronner. (Van 1 Oct. 1838–1896), Nijhoff, 'sGravenhage, 1840–1896.

Contains: Gemengde zaken, v. 1–41; Burgerlyk recht van koophandel en burgerlyke rechtsvordering, v. 1–61; Belastingen, v. 1–13; Strafecht en strafvordering, v. 1–76; Jagt en visschery, v. 1–11 (v. 8 inc.); Zegel, registratie en successie-rechten, v. 1–7.

With the acquisition of this separate edition of the Netherlands' Supreme Court Reports, the Law Library completed its collection of decisions of the judicial authorities of the Netherlands, as listed by Van Apeldoorn (*Inleiding tot de studie van het Nederlandsche recht*, 2. ed., 1934, p. 77). The set consists of separate series devoted each to a certain subject, such as civil law, commercial law and civil procedure, criminal law and criminal procedure, and others.

The *Hooge Raad*, as the Supreme Court of the Kingdom of the Netherlands, is primarily the tribunal of last resort, but exercises also original jurisdiction

in cases involving crimes committed by members of parliament and some other high dignitaries in the performance of their official duties.

Because of political changes in the Netherlands during the Napoleonic period, the Supreme Court was reorganized several times and its name changed until its present organization was established on January 1, 1838. The collection acquired begins with this year.

Graswinckel, Dirck. *Placcaten, ordonnantien ende reglementen, op 't stuck van de Lijf-tocht, sulcx als de selve van outs tot herwaerts toe op alle voorvallen van hongers-noot en dieren-tijdt beraemt zijn ende ghedaen publiceeren; ten meeren-deels . . . Leyden, van de Elseviers, 1651.*

This interesting item among the older Dutch law books is a collection of edicts, *ordonnances* and decrees concerning food products issued during the period from 1501 to 1634, together with the commentaries of Dirck Graswinckel. Graswinckel belonged to the illustrious *Muiderkring*, a circle of scientists and literary men in Holland's "Golden Age" (the seventeenth century). Born in Delft in 1600, he became one of the leading jurists of his period; and he also wrote poetry of considerable merit. Internationally, he is especially known through his commentaries on H. Grotius' works (of which the Library has some) and through his defense of the rights of the Venetian republic against the Duke of Savoy. Graswinckel was one of the outstanding councillors of the great Johan de Wit. The *Placaetboeck* is one of the fine Elsevier prints (No. 694 in Willems' *Les Elzeviers*).

Orientalia

CHINA ³

皇明制書 Huang Ming chih-shu. A book of laws and institutions of the Ming Dynasty, 20 *chüan*, compiled by Chang Lu, a *chin-shih* of 1559, and printed in 1579. [For a full description of this apparently unique work see Report of the Division of Orientalia, p. 261-264].

定例成案合鑄 Ting-li ch'êng-an ho-chien. A collection of established precedents 30 *chüan*, compiled by an under-secretary, Sun Lun (T. Li-t'ing). This work has a preface dated 1707 by Wang Shan (T. Tsao-ju, 1645-1728), President of the Board of Punishments.

欽定光祿寺則例 Ch'in-ting kuang-lu ssü tsê-li. Regulations and Precedents of the Imperial Banqueting Court 90 *chüan*, with a supplement on funeral regulations, in 14 *chüan*. It was compiled by Imperial order and was completed in 1829. The Banqueting Court had charge of the entertainment of envoys from tributary states and of the metropolitan and provincial graduates celebrating the sixtieth anniversary of the attainment of their degrees.

³ List of noteworthy accessions and bibliographical notices supplied by the Chief of the Division of Orientalia, Dr. Hummel.

大清刑律草案 Ta Ch'ing hsing-shih su-sung lü ts'ao-an. A draft code for criminal procedure, compiled by the Junior Vice-President of the Ministry of Justice, Shên Chia-pên (1840-1913), and others, and printed in 1910. The compilers were ordered, by an edict of October 11, 1907, to study the codes of foreign powers and make suggestions for a new civil and criminal code conforming to conditions in China.

新刑律條正案彙錄 Hsin hsing-lü t'iao-chêng an hui-lu. A collection of opinions on the newly drafted criminal code, compiled by the scholar, Lao Nai-hsüan (1843-1921), and published in January, 1911. These are opinions on the aforementioned draft criminal code, both by Chinese and Western authorities.

欽定吏部稽勳司則例 Ch'in-ting li-pu chi-hsün-ssü tsê-li. Regulations and precedents of the Record Department of the Board of Civil Appointments, 8 *chüan*, compiled by Imperial order and published about 1860. The latest precedent cited is one of 1859. This Department kept a record of official titles, and regulated retirements on account of mourning, pensions to civil officials, and hereditary titles bestowed on bannermen.

欽定吏部驗封司則例 Ch'in-ting li-pu yen-fêng-ssü tsê-li. Regulations and precedents of the Department of Grants of the Board of Civil Appointments, 6 *chüan*, compiled by Imperial order, and printed some time after 1872, the latest precedent cited being of that year. This department regulated the bestowal of titles, patents and presents, including hereditary titles on heads of tribes.

JAPAN ⁴

Manuscripts

Bunken bikô: Study of terms and regulations relating to the assessments of rice fields. By Kanae Asakawa (pseudonym Zen'an) (d. 1849). Manuscript in two volumes.

Fuken shôtei kaisei-an; Kusei ryakuan. A bill proposing a revision of administrative laws of Kanagawa-ken together with a bill for separating the division of the prefecture into districts and defining the functions of their new officials. Proposed by Yasushi Nomura, the vice-governor of Kanagawa-ken, in 1876. Manuscript, 26 l.

Go-jômoku shû. A collection of regulations including seventeen articles concerning the Imperial household, stipulated in 1615; eighteen articles concerning relations between the Imperial household and the military houses, stipulated in 1615; eighteen articles presented to the Imperial family from the Tokugawa

⁴ List and notices supplied by Dr. Shio Sakanishi, of the staff of the Orientalia Division.

- Shogunate in 1864 about the family's affairs; articles concerning Shishinden, a ceremonial pavilion, stipulated in 1742; one hundred articles of injunctions and prohibitions of the Tokugawa clan. Manuscript, 35 1.
- Go-junzai ni tsuki shinajina furewatashi ikkensome. Official memorandum concerning a tour of inspection of the Shogun in 1853. Manuscript, 55 1.
- Gotôke ryôjô shû. A collection of laws of the Tokugawa clan. Manuscript in 32 parts, bound in 4 volumes.
- Hida-no-kuni daikan-sho otomegaki. Memorandum of the governor's office of Hida Province, about the period 1815-1829. Manuscript, 99 1.
- Hida-no-kuni mononari gairiyaku. A brief register of annual taxes allotted to various districts in Hida Province. Recorded by one Iwaki. Manuscript, 29 1.
- Hyôjô-sho jômoku. Provisions relating to Hyôjô-sho, the supreme court of the Tokugawa Shogunate. Copy dated 1742. Manuscript, 209 1.
- Jikata hanrei-roku. Introductory notes on local government, by Ijûrô Ôishi in 1794. Manuscript, 11 volumes.
- Jikata kokoroe. A guide for inspection and collection of taxes in local government. Copy dated 1850. Manuscript, 27 1.
- Jisha hôsoku. Laws and regulations relating to temples and shrines, issued during the eighteenth and the early nineteenth centuries. Manuscript of 51 leaves, in which 5 leaves, numbered 45-50, are blank.
- Kari-bangashira shokin kakushiki. Regulations concerning employment of substitute-masters of the guards for the Tokugawa Shogunate. Owned by Shinken Kasahara in 1771. Manuscript, 27 1.
- Kenjô. Original registers of assessment of 1870 of the towns of Washio, Kami-benten, Shimokawara and the twenty-seventh section of the Lower Ward of Kyoto. Manuscript, 3 v.
- Kôshû Yatsushiro-gun Kurokoma-mura yashiki kenchi-chô. A record of a survey made on house lots of Kurokoma Village, Yatsushiro District in Kai Province. Investigated by Hachibei Yamaguchi in 1717. Manuscript, 2 v.
- Ritsuryô yôryaku. An epitome of civil and penal laws and regulations, issued by the Tokugawa Shogunate. Prepared by Ujinaga Sugioka in 1741. Manuscript, 82 1.
- Tempô kaigen jôgi. Documents relating to the changing of the name of the era. Manuscript, 14 1.
- Tôshôgû gosaikyo hyakkajô. One hundred civil and criminal laws enacted by the Tokugawa Shogunate up to about 1760. Manuscript, 74 1.
- Yûshi kin'yakufoku. Rules and regulations regarding the functions of offices and precedence in the Tokugawa Shogunate. Manuscript, 49 1.

Printed Works

- Go-fukoku (Meiji jûnen.) A collection of city ordinances of the District of Tokyo—tenth year of Meiji, (1877). Tokyo, 1877. 269 1.
- Kaisha-hô kaisetsu. A commentary on the corporation law, illustrated by case studies. By Yasukichi Ueno, Matsujirô Kurosawa, Kikutarô Matsumoto and Kisaburô Suzuki. Tokyo, 1936. 643 p.

- Kempô saiyô. Essentials of the Japanese Constitution. Revised edition, by Tatsukichi Minobe. Tokyo, 1934. 645 p.
- Nippon mimpô sôran. An introduction to the civil code. Revised and enlarged. By Hideo Hatoyama. Tokyo, 1933. 685 p.
- Ryô no shûge. A commentary on selections from the Code of Taihô, which was promulgated in 702 A. D. to set up the machinery of administration. Edited and printed from movable type by Shoen Ishikwa. Tokyo, 1872. 40 sections in 36 books.
- Seiji hanzai-ron. Study on the political offences. By Shôzô Sase. Kyoto, 1936. 421 p.
- Shin shôhō-yôgi. The essentials of the new commercial codes, with special emphasis on corporation laws in relation to the revised bills. By Yawara Sasa. Tokyo, 1936. 447 p.
- Teikoku kempô kôgi. Lectures on the Japanese Constitution. By Ushijirô Satô. Tokyo, 1935. 349 p.
- Tegata-hô kenkyu. Study of laws relating to negotiable instruments. By Tokizô Yamao. Tokyo, 1935. 408 p.
- Tegata-hô kogitte-hô gairon. A general study of laws relating to negotiable instruments. By Kôtarô Tanaka. Tokyo, 1936. 701 p.
- Tegata-hô oyobi kogitte-hô. Laws relating to negotiable instruments. By Katsumi Yabe. Tokyo, 1934-1935. 2 v.
- Tôsuiken no dokuritsu. On the prerogative of the supreme command. By Tomio Nakano. Tokyo, 1934. 747 p.

Poland

Plurality of jurisdictions and of legislative authorities was typical of Poland prior to its collapse toward the end of the eighteenth century. The Roman Catholic Church in Poland soon developed national legislation. This ecclesiastical law together with the royal decrees and the municipal law of the self-governing cities—the so-called “Magdeburg Law”—became a substantial element of the national legal system. Representative pieces in all these fields were acquired during this year.

EARLY CODES OF ECCLESIASTIC LAW

Statuta prouin/cialia toti p[ro]uincie Gnesnensi. Poznañ. wrati / slauieñ. Cra-couieñ. ceteris et singulis episco / patibus sub archiepiscopatu co[n]tentis valen / cia. auctoritate apostolica edita vt clare patet / ex bullis summo[rum] po[n]tifi-cum hic nisertis [sic!] N.p.,n.d. (Hain 15034; Estreicher XXIX, 246.)

The exact place and date of this publication caused a controversy among scholars. Piekosiński (*Starodawne prawa polskiego pomniki*, v. IV, p. XIV) attributes the printing to the year 1499 according to the watermarks. Others are of the opinion that the book appeared in 1490, and Estreicher thinks that it was printed in 1489 because here the *Statuta* are corrected in accordance with *Constitutiones et statuta vel sintagmata* which work appeared in print twice about

1490. As far as the place of printing is concerned Lelewel (*Bibliograficznych Ksiąg dwoje*, Wilna, v. 1, p. 67) states that it cannot be traced while Wiszniewski assumes that it might have been printed in Leipzig by M. Lotter; but Estreicher considers this guess unfounded.

Statuta prouintie Gnesnen[sis]. Antique reuisa diligenter et emendata. N. p., n. d. [Cracow, Mathias Scharffenberg, 1527]. This is the first edition of the so-called *Statuty Traby* (*infra*).

Woodcut title-page represents Saint Stanislaus and Saint Adelbertus with a shield showing coats-of-arms and the miracle of Saint Stanislaus. Seven pages which follow the title are within an elaborate woodcut border. A large woodcut representing Saint Stanislaus and his miracle occupies page 8.

Place, date and printer are not indicated, but were identified by Estreicher (vol. XXIX, p. 247-248) because of the colophon which appears in a contemporaneously printed *Zbiór Laskiego* (*infra*). This is the third edition of the *Statuty Traby*.

Statuta prouintie Gnesnen[sis]. Antiqua et noua. reuisa dilige[n]ter et emendata. N. p., n. d.

Statuta noua inclite p[ro]uintie Gnesnen[sis] tempore felicis presidencie reuerendissimi in Christo patris et domini domini Ioa[n]nis de Lasko . . . de consensu omnium reuerendissimorum dominorum coepiscoporum: et totius cleri in diuersis prouincialibus sinodis: confecta et approbata. *Colophon:* Excussum Cracouiae in Vigilia Sancti Stanislai. Anno dominice [sic] Incarnationis, M. D. XXVIII. Per Mathiam Scharffenbergk. Expensis prouidi viri Marci Scharffenbergk. Cuius ac Bibliopole Cracouien[sis]. Laus deo.

Both title-pages are woodcuts representing the same composition as in the 1527 edition described above. Although each work has a separate title-page they form one unit because the signatures of *Statuta noua* begin with AA. This is the last joint edition of both codes; the first part contains *Statuty Traby*, and the second *Zbiór Laskiego*. The ecclesiastic law of the two provinces into which the Polish Catholic Church was divided (Gniezno and Lwów) was of great importance prior to the partition of Poland, extending its influence far beyond the pure ecclesiastic jurisdiction. Legislative power in the ecclesiastic provinces was exercised by the synods, that is, conventions of bishops of the dioceses within the provinces. If the bishops of both provinces took part in the synod its resolutions were nation-wide in scope. These resolutions, called *statuta*, included the Canon law as applied in Poland. By authority of the Bull of Pope John XXIII of 1413, Archbishop Mikołaj Trąba codified and revised all the *statuta* previously issued; and his work was adopted by the nation-wide synods which began in Wielun, and ended in Kalisz, between 1411 and 1422. This code, known as *Statuty Traby*, became, in the words of Bulinski, "the foundation of the subsequent ecclesiastic legislation in Poland." (Bulinski, *Historyja kościoła polskiego*, 1873, v. 2, p. 270). Incorporated into the later compilations, it maintained its significance down to the end of Polish independence (Kutrzeba II, 113). It was compiled in five books after the pattern of decretals and contained the local as well as the general rules of the Catholic Church. However, in 1523 a new code supplementing the former was compiled, known as *Zbiór Jana Laskiego*; it was named for the archbishop under whom it was enacted at the synod in Piotrków.

The *Statuta prouincialia*, described above, contain *Statuty Trąby* and the *Statuta noua* include the *Zbiór Laskiego*. The *Statuty Trąby* was issued also in 1512 and 1518, and both codes were printed together in 1527. When, in the second half of the nineteenth century, the publication of old Polish laws was initiated under the title *Starodawne prawa Polskiego pomniki*, these editions were considered extremely rare and *Statuty Trąby* was inserted in volume IV, printed in 1875. The punctuation missing in the old editions was added, and none of the acquired editions were reproduced entirely.

MUNICIPAL LAW

Jaskier, Mikołaj. *Ivris prouincialis qvod specvlvm saxonvm vvlgo nuncupatur, libri tres . . . Prius sub D. Sigismundo I. editi, nunc verò denuò mandante serenissimo Sigismundo III. Poloniae Rege, propter exemplarium inopiam iterum recus.* Samosci M. DCII. [Adam Bursjusz].

Woodcut coat-of-arms on the title page, and a woodcut portrait of King Sigismund of Poland on verso.

Ivris mvnicipalis Maydebvrgensis liber vvlgo Weichbild nuncupatus . . . Samosci, Anno Domini M. D C II. [Adam Bursjusz].

Woodcut portrait of Bishop Peter Tomicz on verso of the title-page.

Promptvarivm ivris prouincialis Saxonici, qvod specvlvm Saxonvm vocatur, tùm et mvnicipalis Maydeburgensis, summa diligentia reollectum . . . Samosci Anno Domini M. DCI. [Adam Bursjusz].

Contemporary stamped pigskin binding.

Although these three items have a separate title-page each, they constitute typographically and by contents one unit, which was first printed in Cracow in 1555. Mikołaj Jaskier published then, for the first time, a comprehensive and profusely annotated compilation in Latin of all the basic sources of the so-called *Magdeburg Law* (*Prawo Magdeburskie*), which was applied by the Polish cities enjoying self-government. The first part contains the *Sachsenspiegel*, the second the *Weichbild* (*ius municipale*), and the third an alphabetically arranged summary and an index of cross-references to both. The work was authoritative in Poland although it was a private compilation, and the references to royal approval given in the title are not true. It is a most thorough commentary according to Kutrzeba, (*op. cit.* II, 212 *et seq.*). Jaskier translated the *Sachsenspiegel* and the *Weichbild* into Latin from the texts which circulated in Germany, and not from the inaccurate manuscripts hitherto used in Poland. He added the *glossae* taken from writings in German and in Latin, and his own *glossa marginalis* in which he indicated the Polish peculiarities in the application and interpretation of the Magdeburg Law. He checked and corrected all quotations in the *glossae* from the Roman and Canon law. Daniłowicz referred to Jaskier's compilation as a basic source of law of the Polish cities. (*Oborzrênie istorîcheskîkh svîdîeniï*, 1837, p. 26; 1910, p. 17).

PRIVATELY COMPILED CODES

Herburt z Fulstyna, Jan. *Statvta Regni Poloniae in ordinem alphabeti digesta.* Samoscii, Martinus Lenscius typographus academiae excudebat. M. D. XC. VII.

This edition of the famous compilation of Polish law (see Annual Report,

1937, p. 69), was unknown to Kutrzeba (I, 258), who mentions those of 1563, 1569, 1613, 1693 and 1756. Burzynski (I, 258) mentions the edition acquired, and those of 1567, 1570, 1600 and 1620.

Sczerbicz, Paweł. *Promptvarium statutorum omnium et constitutionum Regni Poloniae . . . Brvnbergae, Typis Georgij Schoenfels. Anno Domini. M. DC. IV.* Copper engraved title-page with ornamental border.

This is a code of Polish laws prepared by commission of King Sigismund III by his secretary Paweł Sczerbicz for consideration of a legislative committee. Although the code did not attain official sanction it was widely used because it was substantially a compendium of rules extracted from the laws in force (Kutrzeba I, 261; Burzynski I, 109; Daniłowicz, 1837, p. 87; 1910, p. 56).

Gliszczyński, Matheus. *Compendium legum ex statuto et constitutionibus Regni Poloniae . . . ad annum 1736 excerptum. Calissi Typis S. R. M. Collegii Karnkovicani, Soc. Jesu. An. 1754.*

Gliszczyński's work is a representative of those alphabetically arranged digests of laws which were in vogue in eighteenth century Poland. They took the place of the larger compilations of the previous times (Kutrzeba I, 263). The compilation contains oath formulas of various officials, including those for mayor, consul and proconsul of the city of Danzig, which at that time was incorporated into Poland.

Zamoyski, Andrzej. *Zbior praw sądowych na mocy Konstytucyi roku 1776. przez J. W. Andrzeia Zamoyskiego . . . ułożony, y na seym roku 1778. podany. W Warszawie roku 1778. Nakładem J. W. Zamoyskiego w drukarni J. K. Mci Gröllowskiej.*

This item marks the end of liberal Polish legal thought before the final collapse of the Polish state at the end of the eighteenth century. In spite of its title, "Collection of Judicial Laws," it is a draft of a new general code of public and private law prepared by Chancellor Zamoyski by commission of the Diet of 1776. He sought to reform the entire political and social order, and especially to improve the status of the serfs, thus creating a new, more liberal basis for the Polish state, which was on the verge of collapse. His foresight was not shared by his contemporaries. When the bill was introduced in 1780, the Diet thanked the compiler but rejected the bill and prohibited it from being introduced again in the future (*Volumina legum*, przedruk 1860, vol. VIII, no. 979). Burzynski states that this took place at the Diet of 1778 (*op. cit.* I, 106); but the date given by Daniłowicz (*op. cit.*, 1837, p. 90; 1910, p. 58) and Kutrzeba (I, 229), namely, 1780, corresponds to the records of the Diet.

A contemporaneously printed German translation of the draft by Gottlieb Nikisch, Warszawa, 1780, was this year acquired by the Law Library.

Portugal

The *Constituições Diocesanas* are systematic codes of fundamental rules for the clergy and laymen of a diocese promulgated by its bishop at the synod (Marnoco e Souza, *Direito ecclesiastico português*, 1910, pp. 190–191). These constitutions enjoyed a rather wide authority until the law of August 18, 1769, reduced canon law to a subsidiary source applicable only in ecclesiastic courts in case of default of a

provision of national legislation (M. A. Coelho da Rocha, *Instituições de direito civil portuguez*, tomo 1, 1850, p. 22). Moreover, there was a tendency to do away with the authority of the *Constituições Diocesanos* in the ecclesiastic courts because some of their provisions deviated from the general rules of canon law and of the statutes of Portugal, that is, they manifested some kind of legal sectionalism (See P. J. Mello Freire, *Institutionum juris civilis Lusitani liber I*, 1789, p. 9). The *Carta Regia* of May 16, 1774, sought to reform the *constituições* by eliminating their contradictions with canon and statutory law. Since then no old *constituições* could be reprinted or new *constituições* published without revision by the *procurador* of the crown, who was authorized to protest if such *constituições* interfered with royal jurisdiction, or ran counter to the law of the land or legal customs. (Marnoco e Souza, *op. cit.*, p. 190-191; I. F. da Silva, *Diccionario bibliographico portuguez*, v. 9, 1870, p. 87). With this restriction they remained in force as a source of Portuguese canon law until the twentieth century (*Ibid.*; see also B. J. da Silva Carneiro, *Elementos de direito ecclesiastico portuguez*, 6 ed., 1909, p. 34 *et seq.*).

The Law Library acquired three *Constituições diocesanos*, published at a period when their authority was at its prime. One of them, referring to the Brazilian diocese of Bahia, is described in the section on Latin America. The remaining two are as follows:

ALGARVE

Constituições synodaes do bispado do Algarve novamente feytas, ordenadas pelo illustrissimo, e reverendissimo Senhor Dom Frâncisco Berreto segundo deste nome, bispo do Reyno do Algarve e do conselho de sua alteza, publicadas em a synodo diecesana, que celebrou em a see da cidade de Faro em vinte doys de Janeyro de mil seiscentos, e setenta e tres. Evora Com todas licenças necessarias, na Impressão da universidade. Anno de M.DC.LXXIV.

This volume contains also *Livro vnico do regimento do auditorio ecclesiastico do bispado do Algarve*, and *Catalogo dos bispos do Algarve*, paged separately but forming a unit with the *Constituições* (I. F. da Silva, *op. cit.*, v. 2, p. 90). Only two collections of *constituições* for the diocese of Algarve are mentioned by I. F. da Silva, the one acquired, promulgated at the synod of 1673, and one promulgated at the synod of 1554, and printed in the same year (*Ibid.*; see also Almeida, *Historia da igreja em Portugal*, tomo 3, p. 527).

WISEV

Constituições sinodales do bispado de Visev feitas, e ordenadas em synodo Pelo illustrissimo, e reverendissimo Senhor Dom João Manoel bispo de Viseu . . . em Coimbra. Com licença da Santa Inquisição, & ordinario. Por Nicolao Carualho impressor da vniuersidade, & a sua custa impresas. Anno 1617. Copper engraved frontispiece.

Bishop João Manuel (d. 1625) in 1617 enacted these *constituições*, which had been adopted at the synod of 1614 (Almeida, *op. cit.*, p. 942). They were preceded by the *constituições* enacted at the synod of 1527, which are printed without date, and those adopted by the synod of 1555, and printed in 1556. They were revised and printed in 1684 and new *constituições* were adopted by the synods of 1745 and 1748, and appeared in print in 1749. (I. F. da Silva, *op. cit.*, v. 2, p. 107, no. 432). *Regimento do auditorio ecclesiastico do bispado de Viseu*, etc., paged separately, forms an integral part of this work.

Spain

Las siete partidas del sabio rey don Alonso el Nono, nueuamente glosadas, por el Licenciado Gregorio Lopez del Consejo Real de Indias de su Magestad. Con su Repertorio muy copioso, assi del testo como de la glosa. En Salamanca, en casa de Domingo de Portonarijs Vrsino, impressor de la Sacra Real Magestad. 1576. Con priuilegio imperial. Esta tassado el pliego a marauedis. 7 v. in 3, and *Repertorio*.

Each *Partida* except the fifth has a separate title-page. Title-pages with woodcut coats-of-arms.

Among the texts of the *Partidas* printed in the sixteenth century two groups can be distinguished. The earlier editions, beginning with that of 1491 and up to the Lyon edition of 1550, contain the text as it was prepared by Diáz de Montalvo for his 1491 edition. Beginning with the Salamanca edition of 1555 (1565, 1576, 1587-88, 1610-1615), the text revised, corrected and annotated by Gregorio López (d. 1560) has been followed. The edition acquired is substantially a reprint of the 1555 edition, with a different *Repertorio*. (See Vance, Bibliography in *Las Siete Partidas*, translation and notes by S. P. Scott, Chicago, 1931, p. lxxviii *et seq.*, especially p. lxxxviii). All volumes of the copy acquired are uniformly dated 1576, which shows that the sets recorded in some libraries as being dated 1576-86, 1555-76, or 1565-88 are probably combined from various editions.

Transylvania

Fron, Matthias. Der Sachsen inn Siebenbürgen: Statuta: Oder eygen Landtrecht. Durch Matthiam Fronium vbersehen / gemehret vnd Mit Kön: Maiest: inn Polen / gnad vnd Priuilegio in Druck gebracht. Anno, M.D.LXXXIII. *Colophon*: Gedruckt in Cronstadt in Siebenbürgen durch George Greus / in verlegung herrn Mathiae Fronij. Title within woodcut symbolic border, full page Polish coat-of-arms on p. [3]. Coat-of-arms of Transylvania at end.

The present book is an unusual and rare item and is important for the legal history of the much disputed territory of Transylvania (Siebenbürgen, Erdély), transferred from Hungary to Rumania after the World War. It is a code of the law of the so-called "Saxons" of Transylvania, the name applied to descendants of the German colonists who came, at the call of Hungarian kings, to Transylvania in the twelfth century, most likely from Moselle, Luxembourg and North Lorraine. (See Teutsch, *Die Siebenbürger Sachsen in Vergangenheit und Gegenwart*, 1913, p. 8-9.) These "Saxons" in Transylvania formed not only a distinct ethnological group, but also possessed a peculiar status and enjoyed a certain amount of self-government for several centuries. This code

of their private law and judicial procedure was compiled by Matthias Fron (or Fronius) and approved by Stephen Bathory, Prince of Transylvania and King of Poland in 1583, during the period when Transylvania was practically independent. When, later on, Transylvania became a part of Hungary the peculiarity of its legal system was preserved to a great extent.

The *Statuta*, as a source of municipal law for "Saxons", were retained in force by an edict of 1691, issued by Leopold I of Austria, and were still referred to as such in the late nineteenth-century textbooks. (See Dósa Elek. *Erdélyhoni jogtudomány. Első könyv*, Kolozsvár, 1861, p. 19; Wenzel Gusztáv, *A Magyar és Erdélyi magánjog rendszere*, v. 1, Buda, 1863, p. 100). It was reprinted in 1684, 1721, 1779 and 1853; it was included in the early collections of Transylvanian laws printed during Hungarian rule, and it formed the fourth book in the 1779 and 1815 editions. (Wenzel, *op. cit.*, p. 41-42). However, it was omitted from the later edition prepared by Sándor Kolosvari and others. (See *Magyar törvénytar*, 1540-1848, évi Erdélyi Torvinyek, Budapest, 1900).

Roman Law

FORMS AND JUDICIAL PROCEDURE

Judicial procedure of Medieval and Renaissance Europe had a distinct influence upon the formation of the principles of the civil procedure of the modern civil law countries. *Compendia* on court practice and forms are therefore important for the understanding of the customs and institutions of those times. During the last year, the following early editions were acquired in this field, most of which are also examples of the artistry of early presses:

Ars notariatus. N. p., n. d. [Speyer, Konrad Hist, about 1500]. *Gesamtkatalog* 2660; Hain 1855).

The *Gesamtkatalog* records only ten copies, none of which is in America.

Formulare aduocatorum et procuratoriu[m] Romane Curie et Regij perlame[n]ti: practicam s[e]c[un]d[a]m iura co[m]munia clarissime ostendens . . . *Colophon*: Impressum Mediolani per Ioannem de Castelliono impe[n]sis Joannis Jacobi et fratri[m] de Lignano. Anno domini. M.cccc.xiiij. Die. xij. mensis Aprilis. Printer's device of Legnano Brothers, publishers.

——— *Colophon*: impressum Parisiua expertis honesti viri Francisci Regnault cōmorañ. in vico sancti Jacobi in intersignio diui Claudij [1520?]

Gradibus, Joannes de. Ars notariatus. Doctrinale florum artis notariatus: seu formularium instrumentorum. Cum allegationibus vtriusque iuris: canonici et ciuilis . . . 1526. *Colophon*: Lugd[unum] impressum per Benedictum Bounym impressore[m]. Sumptibus vero honesti viri Simonis Vincentij. Anno d[omi]ni Mille. ccccxxvi. decima die mensis septembris. Title page within woodcut ornamental border. Printer's device of the publisher Simon Vincent (Veronica's veil) on the title-page and on the last page.

Artis notariatvs. elementarivs liber . . . Per Henricvm Cnavstimum . . . cum gratia & privilegio imperiali. Francofordiae, M.D.LXXX.

Ferario, Giovanni Pietro de. *Practica singularis . . . Colophon: . . . sumpsit optatum Lugd[uni]. Opera Benedicti Bounyn calcographi: Impensis vero honesti viri Jacobi. q. Francisci de Giuncta Florentini ac sociorum. Anno salutis. M.ccccccxxiiij. Die vero tertia mensis octobris. Printer's device of Giunta(publisher). Title within woodcut ornamental border.*

This collection of forms of actions with comments by Ferario (fl. 1389) appeared first in 1473 (Savigny, VI, 486).

Musius, Petrus Dominicus de. *Formvlarivs instrvmentorvm . . . Venetiis, Apvd Franciscvm Bindonvm. M. D. LVII.*

Damhouder, Joost. *La practique des matières civiles, fort vtile et necessaire . . . Colophon: De l'Imprimerie de Gerard Smits, aux despens de Iean Bellere, imprimeur et libraire iuré, l'an 1572. [Anvers]. Woodcut frontispiece, woodcut portrait, coat-of-arms and fifteen woodcuts representing scenes of various phases of the court procedure.*

Joost Damhouder (1507–1581) was among those practical jurists of the German and Flemish school whose writings had a wide international circulation in sixteenth- and seventeenth-century Europe. The present handbook on civil procedure appeared first in Latin in 1569, and was reprinted in 1601 and 1617. This is the only edition in French, the translation having been made by the author himself. There also were four in German, of 1571, 1575, 1581, and 1591, and one edition in Flemish, of 1626 (Stintzing I, 604–606). The present edition is of more than legal interest because the woodcut illustrations throw an interesting light on the life, customs, usages, dresses, etc., in the sixteenth century.

Jacobi, Petrus. *Practica Petri Jacobi. Lug[dum], apud Jacobum Giuncti, 1539. Title page within woodcut ornamental border and scenery on the top.*

Petrus Jacobi (fl. 1311), disciple of Franciscus Accursius, was among those few French jurists of the fourteenth century whom Savigny and Glasson considered worthy of placing side by side with the Italians who at that time excelled in legal erudition. (Savigny, VI, p. 37–40; E. Glasson, IV, 240). A special study of his life and of the work acquired by the Law Library was made by Esquirou de Parieu in *Revue de Législation et de Jurisprudence*, XX, (1844), p. 417–452.

Jacobi's *Practica*, which is a manual for lawyers and judges, was written during the period from 1311 to 1325, and became known as the *aurea practica*. It was reprinted several times, and appeared first in the year 1492 in Lyon under the title *Solemnis et practicabilis tractatus libellorum*. There is a second edition, Lyon, 1527, under a different title. Savigny lists also the editions Lyons, 1501, 1511, 1519, and 1535. The last edition appeared under the name of *Aurea practica libellorum*, Coloniae Agrippinae, 1775.

BIBLIOGRAPHY

Elenchvs omnivm avctorvm sive scriptorvm, qvi in ivre tam civile qvam canonico vel commentando, vel quibuscunque modis explicando et illustrando ad nostram aetatem vsque claruerunt, nomina et monvmenta, partim in lucem ante hac prolata, partim in bibliothecis passim ad huc abdita, complectens. Initio qvidem a . . . D. Joanne Neuizano, Ludouico Gomesio, Ioanne Fichardo, et Joanne Baptista Zileto summo studio ac diligentia collectus: ante quinquen-

nium autem Ioannis VVolfgangi Freymonii in Obernhavsen . . . opera et studio tertia fere parte auctior in lucem datus, et in iustum atque concinnum ordinem digestus. Iam vero denuo multorum accessione locupletatus. . . Cum gratia et priuilegio Caesareo. Francofurti ad Moenum, M.D.LXXIX. *Colophon*: Impressvm Francofvrti ad Moenvm apvd Martinvm Lechlervm, impensis Sigismvndi Caroli Feyrabendi. M.D.LXXIX. Woodcut printer's device.

This is one of the first legal bibliographies which was begun by Giovanni Nevizzani as *Index scriptorum in utroque iure* (Lugduni, 1522), and continued by Gomez, Fichard, Zileti and Freymon. As amended by Freymon, it appeared first in 1574, was reprinted in 1579. Our edition is the last one mentioned by Stintzing (I, 515). In this edition one finds, according to Stintzing, a fairly complete picture of the state of legal writings of that time; it lists not only printed books, but also manuscripts.

LEGAL MAXIMS

Beginning with the glossators, the terms *brocardica*, *loci communes*, *regulae* and *axiomata*, were used to designate legal maxims expressed in a short mnemonic form. During this year the following alphabetically arranged collections were acquired:

Brocardica ivris, sev verius commvnes ivrivm sententiae, serie alphabetica digestae . . . Parisiis apud Gulielmum Desboys sub sole Aureo, via Iacobaea. Domini M. D. LXII.

Loci commvnes ivris civilis . . . Apvd Seb. Gryphivm Lvgdvni, 1551.

TREATISES

Alciatus, Andreas. Prac. And. Alci. . . . Iudiciarij processus compendium, atque ad eo iuris vtriusque praxis, in gratiam studiosorum nunc de nouo excusa. Apud Jacobum Giunta M. D. XLII. *Colophon*: Impressum Lugduni apud Jacobum Berionum. Printer's device on last page. Title within a decorative woodcut border.

—— Parergon ivris libri tres. Lvgdvni, apud Haeredes Simonis Vincentij. M. D. XXXVIII. Woodcut printer's device.

Alciatus (1492–1550), the celebrated Italian jurisconsult and humanist, studied in Milan, Pavia and Bologna, at which last named university he received his doctorate. He taught at various universities in France and Italy. Francis I is said to have attended his classes. He introduced the new method of studying Roman law by substituting historical research for the servile forms of the glossators. He wrote many legal works, including commentaries on the Code of Justinian and the Decretals, besides histories and critical notes on the classics.

Bertachini da Fermo, Giovanni. Prima[-quarta] pars repertorii . . . opera et labore do. Ioann. Thierry Lingonensis . . . Lvgdvni, 1552. *Colophon*: Bartholomaeus Fraenvs excvdebat Lvgdvni, anno 1552. 4 v.

Giovanni Bertachini da Fermo (1448–1497) obtained his doctorate in Padua and served on the bench at Siena, Tolento, Florence and Fano. The *Repertorium* is the only one of his works known to Savigny. According to Schulte

(II, 349), it is a monumental, alphabetically arranged dictionary, in which the legal literature of the fourteenth and fifteenth centuries is precisely expounded. That it was much in use is evident from the large number of editions of which the above seems to be the latest. Schulte mentions the following editions: Rome, 1481; Nuremberg, 1483; Milan, 1485, 1499; Venice, 1488, 1518, 1519, and Lyon, 1521.

Cujas, Jacques. *Paratitla in libros qvinqvaginta digestorum sev pandectarum Imperatoris Iustiniani. Lvgdvni, Apvd Gvilielmvm Rovillvm, 1576. Cum privilegio regis.*

——— *Recitationes in II. et IV. libros decretalium. Nunc primum in lucem editae. An[no] Domini 1594. Spiraе Nemetvm typis Bernardi Albini.*

Cujas (1522–1590) is considered the greatest scholar among the French sixteenth-century Romanists.

Curtius, Franciscus. *Repertorium aureum precipuarum decisionum per iuris vtriusque monarcham dominum Franc. Curtium Juniorem Papiensem in nonnullis legibus digesti et codicis . . . 1533. Cum priuilegio. Colophon: Joannes Moylin de Cambray Lugduni excudebat. Title within ornamental woodcut border with sceneries and portraits. Printer's device of Jacobus Giunta on the title page.*

This work came from the pen of Franciscus Curtius, the younger, who died in 1533, and is not to be confused with his uncle of the same name, who died in 1495.

Favre, Antoine. *Coniecturarvm iuris ciuilibi libri tres . . . Lvgduni, apvd Ioan. Tornaesivm typogr. regivm. CIO. IO. LXXXI.*

Antoine Favre, called also Faber (1557–1624), disciple of the great Cujas, was the most famous of the French jurists of the seventeenth century (Glasson VIII, 131). First a lawyer in Chambéry, later president of the Senate and governor of Savoy, he started his career as a writer with the work above mentioned, which made Cujas predict that Favre would become a great jurist. His more notable work was the *Codex Fabrianus* (Lyons, 1610, Geneva, 1673). The copy acquired by the Law Library seems to be the first edition of the *Coniecturae*. Glasson mentions the edition of Leyden, 1691, and Camus-Dupin, Lyon, 1661. However, it must have appeared before Cujas' death in 1590, and the privilege for the edition acquired was signed in 1574. Favre could not have completed the work before that time.

Gribaldi, Mattheo. *Methodvs ac de ratione stvdendi, in ivre. Libri tres . . . Venetiis, Apud Horatium de Gobbis, 1581.*

——— *Interpretationes in difficillia[m]. l.ij.C. comu. de lega. et in l. verbis legis, de verbo. signif. Aldi filii, Venetiis, MDLIII. Printer's device.*

——— *Interpretationes in l. reru[m] mistura, et l. si is qui pro emptore de usucapio. Venetiis. M D L II. Printer's device. Colophon: Apud Gualterium Scotum M D L II.*

Matteo Gribaldi, or Gribaldus, (d.1564), has the distinction of having described by a distich the method of legal interpretation developed in the Italian universities during the sixteenth century which is characterized as the *mos Italicus*. The famous distich runs as follows:

*Praemitto, scindo, summo casumque figuro
Perlego, do causas, connoto, et objicio.*

The verse is to be found on page 32 of the above edition of *Methodus*, which was written in 1541 and appeared in print first in Lyon in 1544 or 1554 (Stintzing, I, 107). The *Interpretationes* illustrate how Gribaldi himself applied the method, the principles of which he formulated. Gribaldi taught at the Universities of Pisa, Perugia, Pavia, Padua, Tübingen, Toulouse and Valence (*Ibid*, 382).

Heineccius, Johann Gottlieb. Opera omnia. Genevae M.DCCLXXI. 14 v. in 9. Engraved frontispiece.

Heineccius, or Heineke (1680-1741) was one of the most popular jurists of the eighteenth century, enjoying an international reputation. Some of his writings were declared to have the authority of law. This, for example, was the case with his treatise on negotiable instruments, *Elementi iuris Cambialis*, which was decreed to be used as an official guide for the Polish Courts by the Diet of 1775 (Danilowicz, *Obozrienie*, 1837, p. 28; 1910, p. 18).

There were two editions of his collected works: the above described, of 1771, and that of 1774, which is less complete (Camus-Dupin, II, no. 754).

Leconte, Antoine. De haereditatibus et bonorum possessionibus quae ab intestato deferuntur. Liber singularis. Bitvrigibvs, Apud Ioannem Garnerium, 1555.

Leconte (Contius) (1517-1577, or 1586?) taught at the universities of Orléans and Bourges, where he succeeded to the chair of the famous Cujas, and continued the polemics against Duaren and Hotman started by his famous predecessor. His erudition was said to be equal to that of Cujas (Glasson V, 116).

Tractatus de pignoribus et hypothecis, auctoribus. Ant. Negvsantio, Franc. Baldvino, Hvg. Donello, Gab. Mvdaeo, i. c. . . . Lvgdvni, Sumptibus Philippi Tinghi Florentini. M.D.LXXV.

This is a compilation of treatises on mortgages written by the outstanding lawyers of that time, some of which were mentioned in the title.

Roman and Canon Law Incunabula

As has been noted in previous reports, the Law Library's collection of legal incunabula has not yet reached the point which is commensurate with its standing as the national repository of legal sources. During the past year a number of desirable items were acquired. They include the following:

Decio, Lancelotto. Scripta sunt hec in primam. C. partem Domini La [n]//celoti Decij: que studiose si inte[n]tus p[er] legeris De//cium iurisco[n]sultu[m]: veru[m] sinceru[m], nec ambitiosum in//uenies. *Colophon*: Papie impressa per Christoforum de canibus a[n]no. M.cccclxxxxv. Die secundo Martij. (*Gesamtkatalog* 8211; Hain-Copinger 6055).

Out of twenty-two copies recorded by the *Gesamtkatalog*, none is in America. Unrecorded by the British Museum.

— Scripta in s[e]c[un]dam. C. partem eximij. I. U. monar//ce do. Lanceloti decij. veri et sinceri. doctoris dilige[n]t[er] edita in felici ticinensi academia. anno d[omi]ni M.//cccc.lxxxij. die xxij noue[m]bris. *Colophon*: Impressum op[er]a et impe[n]sa ac sum[m]o studio sculptum p[er]. Do. Christoforum de canibus ciue[m] p[a]p[ie] ad laudem dei. M.cccclxxxviii. Die. x. Januarij. (*Gesamtkatalog* 8213; Hain 6056).

Of nineteen copies recorded by the *Gesamtkatalog* none is in America. It is not in the British Museum catalog.

- Lanzalotus decius super//prima. ff. ueteris cum ad//ditionibus per eum additis. *Colophon* on f⁴ verso: . . . impressum opera et impensa ac summo studio sculpt[um] p[er] Christoforu[m] de canibus ciuem. p[a]p[ie]. ad Laude[m] Dei Mccccxxxviiiij. die. iiij. Junij. Finis. On K³: . . . Mccccxxxviiiij. Julij. xvij. luce vespera[rum] hora finiuit Feliciter. (*Gesamtkatalog* 8214; Hain 6063; Hain-Reichling 6058).

Of fifteen copies recorded by the *Gesamtkatalog*, none is located in America, nor is it in the British Museum catalog.

- Scripta sunt hec in secunda[m] ff. vet. p[ar]tem. Domini//Lanceloti Decij: que studiose si inte[n]tus p[er] legeris//Decium iurisconsultum: verum: sinceru[m] nec am//bitiosum inuenies. *Colophon*: . . . impressum opera et impensa ac summo studio sculptu[m] p[er] Christoforu[m] de canibus ciuem. p[a]p[ie] ad Laudem Dei. Mccccxxxviiiij. di iiiij. Jullij. Finis. (*Gesamtkatalog* 8215; Hain 6060).

The *Gesamtkatalog* records only eleven copies, none of which is in America; nor is it in the British Museum catalog.

- Scripta sunt hec in prima[m] infortiati p[ar]tem Domi//ni Lanceloti Decij. que studiose si inte[n]tus p[er] legeris//Decium iurisconsultu[m] verum. sincerum. nec ambitio//sum inuenies. *Colophon*: Impressum Papie p[er] [Christ]oforum de canibus. Anno a nativitate d[omi]ni nostri Jesu [Christ]i. Mccccxxxv. Die. x. Februarij. (*Gesamtkatalog* 8217; Hain 6057; Hain-Reichling 6061).

Of eight copies recorded by the *Gesamtkatalog*, none is in America; nor is it in the British Museum catalog.

- Scripta sunt hec in secunda[m] infortiati parte[m]. domini//Lanceloti Decij. que studiose si inte[n]tus perlegeris. Deciu[m] iurisconsultu[m]. verum. since[rum]. nec ambitiosum//inuenies. *Colophon*: Impressum Papie p[er] Christoro[fum] de canibus Anno Domini. Mccccxxxvj. Die. viij mensis nouembr[is]. Followed by: Registrum huius operis. (*Gesamtkatalog* 8218; Hain 6062).

Of twenty-one copies recorded by the *Gesamtkatalog* none is in America; nor is it in the British Museum catalog.

Lancellotto Decio, like his better known brother Filippo Decio, (see below), was an outstanding legal scholar; he was a professor of Roman Law in Pisa and Pavia, where he died in 1503. One of his contemporaries, Bidellus, of Pisa, who unsparingly commented on the work of the professors of his time, recognized, however, that "Lancellotto was sincere in doing his duty." (Savigny VI, 373).

- Ludovicus Pontanus (Romanus). [Consilia et allegationes]. *Colophon*: Impressa Papie per Franciscu[m] gyrarde[n]gu[m]. Anno d[omi]ni M.cccclxxxv. die. v. Martij. (Hain*13275).

Ludovicus Pontanus (1409–1439) obtained his doctorate at the age of twenty, became a professor at twenty-four, and practiced law later in Florence. He was a prothonotary in Rome and died in Basel, Switzerland, whither he had been sent as a member of council by King Alfonso, of Aragon. In spite of his short life, he established an enviable reputation for himself and left a number of

works which were praised by Savigny, including the *Consilia* acquired by the Law Library (Savigny, V, 489; Schulte, II, 395). This edition may be the first because, aside from this one, Hain mentions only that of Mediolani, 1489, Venetiis, 1493, and 1518, and one undated at Rome, published by Vulteris. Hain merely assumed that the last named was printed before the one acquired.

Accoltis, Franciscus de (Franciscus de Aretio or Aretinus). *De testamentis*. N. p., n. d. [Siena, Heinrich von Köln, July 15, 1486]. (*Gesamtkatalog*, VI, 227 and I, no. 150; Hain 4590.)

Hain (4590) ascribed this item to the pen of Amedeo Justin de Castello, but the *Gesamtkatalog* (VI, 227 and I, no. 150) states that it is a part of *Super primam partem infortiati*, by Francesco de Accoltis (1418–1486), known also as Franciscus Aretinus. He taught at the universities of Bologna, Ferrara and Siena, and in his day he was recognized as excelling not only in jurisprudence, but also in poetry, philosophy, music, and theology. However, some of the later scholars found his legal works crude as compared with his poetry and philological studies and came to the conclusion that there had been two different men by the same name, one a jurist and another a poet. Savigny, although severe in his criticism of Aretino's legal work, deemed this theory unfounded (Savigny, VI, 338 *et seq.*)

Ubaldis de Perusio, Angelus de. *Lectura domini angeli de perusio sup[er] codice. De ede[n]do*. N. p., n. d. (Copinger II, 5897; Mazarine, p. 747, no. 1334).

Although less famous than his brother Baldus, Angelus de Ubaldis (1328–1407), professor at Perugia, Padua, Bologna, Florence and Rome, was a renowned scholar, known for his works on the sources of Roman law. (Savigny, VI, 249). (This item is unrecorded by Hain, Proctor, the British Museum, and the *Census of Fifteenth Century Books*).

Sandeus, Felinus. *Singularis ac peru//tilis lectura domi//ni Felini Sa[n]dei// Ferrariensis.// super titulo// de fide in//strume[n]//torum*. Printer's device of Ioannes de Legnano (publisher). *Colophon*: . . . imp[re]ssa vero. nouiter [i]n regia ciuitate Mediolani per mag[ist]rum Uldericum scinze[n]zeler. Impensis d[omi]ni Iohan[n]is d[e] lignano Mediolanensis. dilligentissimeque emendata p[er] Egregium et sapientem iuris vtriusque doctorem d[omi]n[u]m Franciscu[m] de parona Ciuem Papie[n]sem qui omne studiu[m] ac diligentia[m] adhibuit vt hoc opus eme[n]datissimu[m] ederetur. Anno a natali [Christ]iano. Mcccc-xxxviiiij. Die viij. Martij. Printer's device with initials V. S. (Szinzenzeler, printer). Unrecorded by the British Museum.

Felinus Sandeus (1444–1503), professor at Ferrara and Pisa, bishop of Penna and Lucca, is also known for his splendid library which he bequeathed to the cathedral in Lucca and which is still in existence. (Report of the Librarian of Congress, 1937, p. 91–92).

Caccialuppi, Giovanni Battista. *Incipit*: Incipit sollemnis repetitio. 1. frater a fratre. ff.// de condi. indebi. per excellentissimum Legum do//ctorem dominum Joannem Baptistam de caccia//lupis de sancto seueriuo. *Colophon*; . . . nunc dilligentissime correcta. et suppleta p[er]. d. Jo. Franc. paganu[m] de pedemo[n]tis . . . Bononie imp[re]ssa ingenio et i[m]pensis mag[ist]ri Jo. vualbeck republica bofi. florente. sub diuo Jo. bentiuolo secundo armorum Duce dignissimo Anno salutis. M.cccclxxxiiij. die vero. xxiiij. Augusti. (*Gesamtkatalog* 5851, Hain 4196).

Only ten copies are recorded by the *Gesamtkatalog*, none of which is in America. Caccialupi's life (fl. 1450) and the significance of his work were described in the Report of the Librarian of Congress, 1937, p. 100.

Georgio, Joannes Antonius de Sancto. Comme[n]taria super decreto//cardinalis alexandrini alias//Prepositi Sa[n]cti Ambrosii//nuncupati.//Leonardus. Gerla. *Colophon*: Papie impressa per Leonardu[m] Gerla. Mccccxxxxvii. a di[e] xii. de marzo. Printers' device. (Hain 7584; Proctor, suppl. II, 7107a; British Museum, v. VII, p. 1011).

Joannes Antonius de Sancto Georgio was a prominent canonist of the fourteenth century (fl. 1320–1378) and taught at Bologna and Padua.

Natta, Georgio. Solemnis repetitio clemen. sepe de uerbo[rum]. signifi[catione] co[m]//posita p[er] p[re]clarum iuris utriusque doctore[m] et militem//dominu[m] Georgium nattha[m] ciue[m] asten[sem] et illustrissi//mi domini Marchionis montisferati co[n]siliarium. *Colophon*: Impressum Papie p[er] Christopher[um] de canibus Anno a natiuitate domini. Mccccxxxij die xv. septembris. (Hain 11679; Voulliéme 368; Proctor 7090; British Museum, VII, 1010).

Unrecorded by *Census of Fifteenth Century Books*.

Giorgio Natta, of Asti (fl. 1467, d. 1495), was a professor of Canon Law at Ferrara. The present work appeared first in 1475 and was also reprinted in Venice in 1577. (Giudice, I, part 2, p. 867–868; Schulte II, 350).

Canis, Johannes Jacobus. Petro Uecturio Nouello Jurium scho//lari. Johannes Jacobus Canis iurisutri//us[que] consultus: de modo in iure studendi li//bellum: ac Salutem plurimam mittit. *Colophon*: . . . que imp[re]ssit m[a]g[ist]e[r] mathe[us] [Cerdonis] padue an[n]o, 1485. (Hain 4324; Proctor 6819; *Gesamtkatalog* 5975).

The present work by Canis, who was a professor of law at the University of Padua (d. 1490 or 1494), was considered by Savigny to be one of the most important sources for the study of the methods of teaching of law in the Italian universities at the time of the glossators (Savigny III, 538, 544; VI, 484). Besides the edition acquired by the Law Library, there were three other editions printed prior to 1500, that is, in 1476, 1484 and 1488, respectively.

Jurisprudence and Philosophy of Law

Decio, Filippo. In tit. ff. de Regulis Juris, cum additionibus d. Hieronymi Cuchalon . . . analyticis adnotationibus d. Gabrielis Saraynae . . . Coloniae Agrippinae, apud Theodorum Baumium . . . anno M.D.LXXXII.

Filippo Decio (Decius) of Milan was among the renowned contributors in the field of jurisprudence for the period of the closing decades of the fifteenth and the opening decades of the sixteenth century. Under the guidance of his brother Lancellotto, who occupied chairs at the universities of Pisa and Pavia, Decius obtained an exceptional background and began his academic activity with a professorship of the Institutes at the University of Pisa (1476–1484) offered him by Lorenzo de Medici. The work listed above is accepted as his best contribution in the theoretical field of law. It was used widely at the universities. The edition added to the collection of the Law Library contains also the additions of the Spanish jurisconsult, Gerónimo Cuchalon, and the annotations of the French jurisconsult, Charles Dumoulin (Savigny, VI, 374 ff.)

Corvesius Cespitelens, Petrus. *Methodicus, sive de ratione artis, in quo disseritur, civilis scientia methodo tractari possit. experimento . . . Lugduni, apud Theobaldum Paganum (Ad fin) . . . anno 1547.*

Another acquisition in this field is the early sixteenth-century contribution of the jurisconsult Petrus Corvesius. It contains three pieces, the first of which is written in the form of a dialogue. The work is based on Roman law principles, and appears to have been little known, because it is not listed in any of the standard bibliographical works. According to the Union Catalog, this is the first copy made available in the United States.

Soto Segolbiensis, Dominicus. . . . *Libri decem de justitia et jure . . . Venetiis, apud Gratosum Perchacinum, 1568.*

The Dominican friar Domingo Soto (1494–1560), of Segovia, is one of the internationally known representatives of the sixteenth-century renaissance of Thomist scholasticism in Spain. He was among the progressives on social problems and was active in upholding the views of Bartolomé de Las Casas concerning the social and economic treatment of the Indians in the American colonies. The above item is a copy of the sixth edition of Soto's treatise on the philosophy of law and is the first of that work to be added to the collection of the Law Library.

Vigel, Nikolaus. *Methodus juris controversi, in quinque libros distincta . . . Basileae, ex Officina Oporiniana, 1579.*

Nikolaus Vigel (1529–1600), of Treisa (Hessen), held a professorship at the University of Marburg for a long time (1560–1594). He lost his chair on account of insufficiently orthodox views which involved him in controversies with his colleague, Hermann Vultejus. He was aware of the theoretical deficiencies of the existing treatment of the law; he opposed scholastic verbosity and insisted upon a firm grasp of fundamentals. Vigel was the first German jurist to attempt the unification of the law into a systematic whole, abandoning the *schemata* of his predecessors. In this attempt he made a number of methodological contributions, of which the work listed above is one. The copy added to the collection of the Law Library is of the original edition; it consists of a collection of *communes opiniones* and *conclusiones* of noted jurisconsults. This work went through a number of editions and, beginning with the edition of the year 1596, was considerably augmented. The Law Library is in possession also of a copy of the latter (Basileae, 1599). In the field of jurisprudence the work is of importance as opposing the purely mechanical use of *communes opiniones* in the solution of juridical problems.

Gómez de Luna y Arellano, Miguel. *De juris ratione et rationis imperio . . . Don Michael Gómez de Luna y Arellano . . . Matriti, 1630.*

This is a copy of the first edition of a contribution of the Spanish canonist Miguel Gómez de Luna y Arellano (d. 1662). It is a theoretical treatment of the fundamental problems of private and public law, based on the texts of the Roman and Canon law and on ancient and medieval philosophical conceptions. According to the Union Catalog, no other copy of this work is available in the United States.

Ryssel, Johannes Jacobus von. *De jure naturae et gentium libri duo. Lipsiae, apud Reinhard Waechtler . . . anno M.DC.XXCIX.*

The above work of Johann Jacob von Ryssel is an addition to the collection of the Library in the fields of the philosophy of law and the law of nations. It is representative of the seventeenth-century rationalistic tendency influenced by Grotius, Hobbes, Pufendorf and Thomasius. The above is the only edition mentioned by bibliographers and, according to the Union Catalog, this is the first copy made available in the United States.

Pufendorf, Samuel von. *Analecta politica* . . . Amstelaedami, apud Janssonio-Waesbergios. M.DC.XCVIII.

Thomasius, Christian. . . . Vernünfftige und christliche aber nicht scheinheilige Thomasische Gedancken . . . Erster Theil, Halle in Magdeburg, 1723; Anderer Theil, id., 1724; Dritter Theil, id., 1725.

The two collections of monographs by Samuel von Pufendorf (1632-1694) and Christian Thomasius (1655-1728) supplement the possessions of the Library representative of these two pioneers in the emancipation of jurisprudence from theology.

Periodicals and Serials

Among the 141 titles added to the legal serial collection in 1938 to 1939, a number of European countries and a wide variety of material are represented. The Law Library has been especially fortunate in obtaining this material as the difficulty of securing publications will probably increase because of the war in Europe.

It will be noted that several Polish items are included, which are so scarce that the titles do not even appear in the Union List of Serials, and which, fortunately, will now be preserved and available for research in the Western Hemisphere.

The unusually long sets, especially those in the French language, include rather obscure material, as one might suppose, since the Law Library already possessed a fair collection of periodicals as well as collections of laws and court reports for Belgium and France.

The most important additions acquired during the past year include the following:

BELGIUM

Bulletin usuel des lois et arrêtés. Bruxelles. Tome 1-18- , 1539-1939-. Imprint [1858]---. Monthly (at present).

This bulletin contains legislation concerning general administrative matters, with notes of concordance, and administrative and judicial decisions of Belgium, with annotations. Volume 1 begins with the old French laws from 1539, covering those countries within which the present Belgium was incorporated; laws and decrees of the United Provinces of the Netherlands are included up to August 24, 1815, the date of the commencement of the Kingdom of Belgium as a political entity.

Recueil général de l'enregistrement. Bruxelles, v. 1-85, 1848-1936. 85 v. Title varies: v. 1-69 as *Recueil général des décisions administratives et judiciaires* . . .

This is a general collection of decisions, administrative and judicial, in matters concerning public registration, duties, succession, mortgages, and public notaries. It contains decrees and decisions of the highest courts and other tribunals of Belgium, France, and Holland, which are related to the above mentioned subjects, and also matters which might be of interest to public notaries and other public functionaries, lawyers and magistrates.

EGYPT

Lois du gouvernement Égyptien. Le Caire, Imprimerie National. 1875-1905.

The years 1886-1887, which were issued in slightly different form, are not separated from the *Documents Officiels*. 22 v. Title varies.

These laws of the Egyptian government precede those already in the Law Library, together making a collection from 1876 to the present day. The period covered by this set dates from the establishment of the Mixed Tribunals in 1876, replacing the consular jurisdiction in civil actions.

FRANCE

Recueil général annoté des lois, décrets, ordonnances, . . . depuis le mois de juin 1789 . . . avec des notices par MM. Odilon Barrot, Vatimesnil, . . . publié par les redacteurs du Journal des notaires et des avocats . . . Paris, 1831-1936. 116 v. including indexes. Title varies slightly.

This valuable addition to the French legal collection spans a period from the French Revolution to the present day. The Law Library had but eleven years of the set, which is now complete from 1789-1936. It is an annotated collection of laws and royal decrees (*ordonnances*), the latter being replaced by decrees and resolutions of the ministeries (*décrets et arrêtés*) after the revolution of 1848. There are also administrative decisions of the Conseil d'État. Sets of this material are rather scarce and are not to be confused with the *Recueil Général des Lois* . . ., the *Bulletin Annoté des Lois* . . ., or the official *Bulletin des Lois*, as they might readily be because of the commentators.

Revue de législation et de jurisprudence. Paris, t. 1-46 (1-19 année), 1834-1853. 46 v. Table Décennale . . . 1834/1844 [*with* v. 21].

This is the predecessor of the long *Revue Critique de Législation et Jurisprudence*, which is still running. Together, these two titles furnish a continuous law review of over a hundred years' duration. Devoted primarily to articles on legislation and the history of law, it boasts such editors as Troplong, Laboulaye, Ortolan, Wolowski (its founder), and others well known in the French legal world.

GERMANY

Gewerbearchiv für das Deutsche Reich . . . Berlin. Band 1-33. 1901-1936. 35 v. including Ergänzungsband I mit Gesamt-Register [für Bd. I-XII . . .]; Ergänzungsband II mit Gesamtverzeichnis für die Bände 13 bis 27 . . . Berlin 1913, 1930.

Devoted to legislation and court reports in matters relating to industry and labor law, this collection contains specifically: laws, regulations, enactments,

judicial and administrative decisions of the federal and state governments, circulars and announcements of the central authorities. In 1936 this publication became *Deutsches Gewerbearchiv*.

Hamburgische Gerichts-Zeitung. Herausgegeben von mehreren hamburgischen juristen. Begründet und redigirt von dr. Julius Nathan. Jahrgang 1-8, no. 17. 13. Apr. 1861-25. Apr. 1868. Hamburg, 1861-1868. 8 v. in 6. Weekly. Continued by *Hamburgische Handelsgerichtszeitung* (later *Hanseatische Gerichtszeitung*).

Hanseatische Gerichtszeitung. Jahrgang 1-12; Neue Folge 1-48, 18. Apr. 1868-30. Dez. 1927. Hamburg, 1868-1927. 60 v. Weekly (irregular). Title varies: v. 1-12 (Apr. 18, 1868-May 26, 1880), *Hamburgische Handelsgericht-Zeitung*. *Mit einem Beiblatt enthaltend nichthandelsgerichtliche Rechtsfälle*. *Hauptblatt. Handelsrechtliche Fälle* (varies slightly). Continues *Hamburgische Gerichts-Zeitung*. United with *Hanseatische Rechts-Zeitschrift* which continued as *Hanseatische Rechts- und Gerichts-Zeitschrift*.

Hanseatische Rechts- und Gerichts-Zeitschrift. Jahrgang 11- (Zugleich 68. Jahrgang der HGZ.)-18, 1928-1935. Hamburg, 1928-

Prior to 1934 this substantial publication for the study of European commercial law contained a selection of cases of interest to lawyers and merchants at home and abroad, laying special emphasis on international commerce. At first covering only cases of the commercial court and supreme court in commercial cases, it changed in 1868 to include cases of other Hanseatic courts and allied jurisdictions together with substantial points of procedure and related matters from foreign courts.

With the separation of the material into two volumes, the *Hauptblatt* (principal part) was devoted to commercial cases and the *Beiblatt* (supplement) to the civil court decisions of commercial interest. In 1933 the *Hauptblatt*, uniting with *Zentralblatt für Handelsrecht*, assumed more the nature of a law review. The *Beiblatt* now contains the decisions—covering mercantile law including marine insurance, commercial law, civil law, and civil procedure. While hitherto devoted primarily to foreign commerce, the publication is now confined to domestic matters. The main purpose is to bring to light decisions of the German courts on the most important problems of commercial law.

Burgenland

Landesgesetzblatt für das Burgenland. Sauerbrunn, Eisenstadt. 1922-1938 (Apr.). 16 v.

A scarce and timely acquisition was the complete set of the session laws of Burgenland as one of the nine provinces of the Austria that existed after the World War up to the time of the Anschluss, and the only one whose legislation issued currently the Law Library did not possess.

Because Hungary did not transfer to Austria the German-speaking districts of West Hungary as the Treaties of Saint-Germain and Trianon had envisaged (and only surrendered some of them after a plebiscite held at the intervention of the Inter-Allied Commission), the publication of the laws of Burgenland began with April, 1922, rather than August, 1921, and continued until April 14, 1938. Burgenland, with the rest of the Austrian provinces, had been absorbed

by the Reich. Their publication was resumed under the title *Verordnungsblatt für den Amtsbereich des Landeshauptmannes Burgenland*.

ITALY

Il Diritto Ecclesiastico Italiano. Anno 1-11. 1908-1918. 11 v. This publication is a successor to, though not exactly a continuation of, the *Rivista di Diritto Ecclesiastico*, which ceased the previous year with the death of a colleague of the present editor. It began in 1908 and follows closely the arrangement of the former. It is, however, divided into articles, notes, and bibliographies concerning ecclesiastical law, the text of laws, decrees, regulations, administrative decisions (including the *Consiglio di Stato* and other administrative bodies) and judicial decisions. Both the administrative and judicial decisions are generously annotated.

Temi Genovese. V. 1-24. 1889-1912. Genova.

Deriving its title from the place of publication and not because of a limited field covered, this collection of decisions includes the courts of appeal and cassation throughout Italy. Cases of the *Corte d'appello* of Genoa are reported in full, those of the other cities often in summarized form. The jurisprudence covers civil, commercial, administrative, financial, and penal matters.

LUXEMBOURG

Journal de l'enregistrement et du notariat, recueil de décisions, arrêts, . . . pour le Grand-Duché de Luxembourg . . . Luxembourg, 1844, 1847-1880. Title varies slightly. Not published 1845-1846. Continued by:

Recueil général en matière de notariat . . . Luxembourg, 1864-1874, 1887-1907. No more published. Title varies slightly.

Preceded by a single volume published in the year 1843, entitled *Code des droits de timbre, d'enregistrement, de greffe . . . pour le Grand-Duché de Luxembourg . . .*, edited by J. Dupont, these two sets together form a continuous and apparently complete set through 1907. The years 1844 and 1847 both are labeled "first year," though the titles are the same. Apparently 1845 and 1846 did not exist, as 1844 carried a note "*nicht mehr erschienen*".

POLAND

Gazeta Sądowna Warszawska. Warszawa, 1873-1937. 63 v. Volume numbering irregular.

This general legal periodical is one of the few publications issued in the Polish language in the Russian part of Poland even at the time when the Russian language was substituted for the Polish in the courts. It carried extensively the decisions of the Russian supreme court (the Ruling Senate) in matters decided under the Code Napoléon, which still remained in force in the Russian part of Poland.

Głos Sądownictwa; miesięcznik, poświęcony zagadnieniom społecznoprawnym i zawodowym. Rok 1-9, 1929-1937.

Głos Sądownictwa ("voice of the judiciary") was a monthly publication devoted to the discussion of legal and professional problems. It was published by the Warsaw section of the association of judges and public prosecutors of the Polish Republic.

Orzecznictwo Sądów Polskich. Warszawa. Roc. 1-8, 1921/22-1929. There were in Poland five divisions (*izba*) of the supreme court for which separate official collections were published from 1918 to 1932: *Izba pierwsza* (first) *civilna*—civil for former Russian territory; *izba druga* (second) *karna*—criminal for former Russian territory; *izba trzecia* (third)—for civil and criminal cases arising on former Austrian territory; *izba czwarta* (fourth)—for administrative matters for all the territories; *izba piąta* (fifth)—for civil and criminal cases arising in the former Prussian territory. There was also a collection of the decisions of the Plenary Assembly (*Zgromadzenia Ogólne*) of the Court.

Although these were official editions, prepared for printing with the permission of the first president of the supreme court, there is none that embraces all the jurisdictions. The present publication, in contrast, though a private publication, contains decisions from the various divisions and is, therefore, the most complete publication of its kind.

Palestra. Warszawa. 1928-1934. 7 v.

Organ of the Bar for Warsaw and the surrounding region. These volumes follow the first four years of this title (1924-1927), which the Law Library had previously received. The title has since been changed to *Głos Prawa*.

Przegląd Notarialny. Krakow-Warszawa. Rok 1-8, 13-14, 16-17. 1922-1929, 1934-1935, 1937-1938.

This publication began in Cracow, as an organ of public notaries officiating in the Austrian territories, but later was transferred to Warsaw to become the organ of all Polish public notaries. Since then it has been published by the Chamber of Public Notaries for the district of the Court of Appeals in Warsaw.

Rocznik Prawniczy Wileński . . . Wilna. Rok 1-6, 1925-1933.

This is the legal yearbook of Wilna, and a publication of the Division of Law and Social Sciences in the University of Wilna.

Ruch Prawniczy Ekonomiczny i Socjologiczny. Poznań, 1937-1939.

The Law Library is fortunate in having obtained the issues of the recent years of this substantial quarterly, the earlier volumes of which are out of print. It reviews the legal, economic and sociological trends, and is the organ of the School of Law and Economics of the University of Poznań.

RUSSIA

Zhurnal Ministerstva Iustitsii. S. Petersburg. Tom 1-35, God 1-[10], 1859-1868. 35 v. in 32. Monthly; every three months constitute a volume.

This publication was not only the gazette of the Ministry of Justice, as the title indicates, but the principal magazine of legal learning at the time when the Russian judicial system was modernized and liberalized by the judicial statutes of 1864. In 1868, it became a monthly supplement of the weekly publication of the same ministry, *Sudbnyiĭ Viestnik*, and in 1869 its title was changed to *Sudebnyiĭ Zhurnal* (judicial journal). After 1877 both publications were replaced by an unofficial publication, *Sivernyiĭ Viestnik* (Messenger of the North). In 1894 the publication, a separate *Zhurnal Ministerstva Iustitsii*, was resumed and continued until 1917. The recent *Zhurnal* is also in the Law Library.

SWEDEN

Juridiskt arkif. Christianstad. Bd. 1-34, 1830-1862. 34 v.

This periodical was the only legal journal of its day and is valuable also because of the important treatises contained in the earlier volumes. This set is the only source for the court decisions of the period covered. The collection of court reports starting in 1874 derives its name from the publication at hand. It bears the title *Nytt Juridiskt Arkiv*, though the intervening years are covered by a publication of another title. The famous name of Mittmaier, founder of the jury system in Western Europe, was associated for many years with the section devoted to treatises, both through his personal contributions and numerous articles concerning him and his theories. Other well-known men of the day are among the contributors, such as Chr. Naumann, who later edited the series *Tidskrift för Lagstiftning, Lagskipning . . .*, covering the court reports between the old and the new *Juridiskt Arkiv*. The earlier volumes of the set carry also a bibliographical section including extensive German references.

YUGOSLAVIA

Mjesečnik Pravničkoga Društva u Zagrebu. U Zagrebu. Godina 1-63, 1875-1937. 63 v. in 69. "Vol. 46 never issued." Title varies slightly; imprint varies.

This monthly publication of the legal association in Zagreb was for a long time the chief legal periodical in the Croatian language. It commenced while Croatia was an autonomous part of Austria and continued after the union of the Serbs, Croats and Slovenes in Yugoslavia.

Latin America

BRAZIL

Revista do Instituto da Ordem dos Advogados Brasileiros. Rio de Janeiro, t. 1-19, 1862-1907. 19 v. in 9.

This review, which is the organ of the bar association of Brazil, has existed in substantial, if irregular, form for over a half a century. The material is devoted to matters that concern the Institute, including court reports of interest to it.

Revista jurídica; doutrina, jurisprudencia, legislação. v. 1-12, 1916-1918.

Articles, legislation, court decisions of the federal and local courts of the Rio de Janeiro district, notices, and short book reviews are contained and unusually well indexed in this juridical review published under the direction of the Consultor General of the Republic.

CUBA

La jurisprudencia al día. Habana, 1912-1937. 104 v. in 103; and Indices, 49 v. in 6. Sección de legislación, 1931-1937, 8 v.; Materia penal, 1913-1936, 46 v.; Materia civil, 1913-1936, 24 v.; Materia hipotecaria, 1913-1936; Materia de inconstitucionalidad, 1913-1936; Materia contencioso-administrativa, 1913-

1936; *Acuerdos de la Sala de Gobierno*, 1927-1936; *Materia contencioso-administrativa y de leyes especiales*, 1936; *Jurisprudencia extranjera*, v. 2-11, 1913-1922, 24 v.

From November, 1912, to February, 1913, issued as a monthly composed of the several sections; later the sections appear to have been issued in separate monthly parts, and are bound in separate annual volumes.

A valuable acquisition from Cuba is this collection of court reports. Its several sections, as the subtitles indicate, cover legislation, penal, civil, administrative, and miscellaneous decisions, the last including some foreign decisions.

Gifts

Gifts presented to the Law Library of Congress during the past fiscal year, which amounted to a total of 1,739 items, were not limited to the usual books and pamphlets, but included also an etching, twelve legal manuscripts, five prints and photographs, and a medallion.

The medallion was presented to the Law Library by the Honorable J. Weston Allen, of Boston, Massachusetts, and is a replica of the medallion awarded by the American Bar Association, commemorating its fiftieth anniversary, "to a member of the Bar of the United States for conspicuous service in the cause of American jurisprudence." Since the establishment of this award in 1929, it has been conferred on such outstanding jurists as Samuel Williston, Elihu Root, Oliver Wendell Holmes, John H. Wigmore, George W. Wickersham, and Herbert Harley.

The etching is a portrait of Justice Sidney Breese, of Illinois, by J. A. J. Wilcox, and is one of a limited edition of two hundred copies. This etching was donated by Mr. H. A. Martin, of Ambler, Pennsylvania.

The legal manuscripts were a gift of Mr. Morris Hirschman, President of the Central Book Company, New York City, and consist of old English leases, conveyances, and wills of the eighteenth and nineteenth centuries.

Although the majority of the gifts came to the Law Library from the several states of the Union, the Canal Zone, and Hawaii, yet many of the books and pamphlets came from countries abroad, including Argentina, Belgium, Brazil, Cuba, the Dominican Republic, Germany, Guatemala, Great Britain, Japan, Mexico, the Netherlands, Peru, Poland, Spain, Switzerland, the Union of South Africa, and Venezuela.

The Law Library is always glad to receive copies of publications which are, as a general rule, not copyrighted in the United States. Some of the pamphlet material received through the widening channel

of gifts was in answer to a plea sent out to the state bar associations asking them to notify their members that the Law Library of Congress was desirous of acquiring copies of publications issued in limited numbers, and which, unless copyrighted, would probably never reach the notice of the Law Library.

An outstanding gift made during the year was that of Mrs. Clarence Darrow and consisted of sixteen copies of the writings of her husband, the famous criminal lawyer, and his photograph. The works include debates on various subjects, such as *Capital Punishment*, *Prohibition*, *Is Life Worth Living?*, *Is the Human Race Getting Anywhere?* and *Is Civilization a Failure?*, in which Mr. Darrow took part. There were also some other works entitled *The Ordeal of Prohibition*, *Realism in Literature and Art*, and *Resist Not Evil*, an account of the Massie Trial, and a plea by Mr. Darrow, in his own defense, to the jury at Los Angeles. The gift also includes issues of periodicals which had been dedicated as memorials to Clarence Darrow.

The Bancroft Library, through its Librarian, Dr. Herbert Ingram Priestley, presented to the Law Library of Congress a microfilm copy of an early Mexican work by Antonio de Mendoza, entitled *Ordenanças y cõpilación de leyes: hechas por el muy Ilustre señor don Antonio d Medoça, Visorey y Gouvernador desta nueva España . . .*," Mexico, Juan Pablos, M. D. xliij.

An alphabetical list of the donors for the fiscal year ending June 30, 1939, follows:

- | | |
|---|---|
| Edward W. Allen, Esq., Seattle. | Dr. Elemér Balogh, Johannesburg, South Africa. |
| Hon. J. Weston Allen, Boston. | Bancroft Library, University of California. |
| American Association of Personal Finance Companies, Washington. | Mrs. W. L. Bond, Chevy Chase, Md. |
| American Bar Association, Chicago. | Brazil. Department of Propaganda. |
| American Judicature Society, Newark. | Brooklyn Bar Association. |
| American Law Institute, Philadelphia. | Bruxelles. Ordre des Avocats à la Cour d'Appel. |
| Col. Alexander B. Andrews, Raleigh, N. C. | A. L. Bryden, Esq., London, England. |
| Arkansas University, Fayetteville. | Dr. A. S. de Bustamante y Sirvén, Havana, Cuba. |
| Moses J. Aronson, Esq., New York. | Woodfin L. Butte, Esq., Caracas, Venezuela. |
| Association Japonaise des Juristes de Langue Française, Tokyo, Japan. | California Judicial Council, San Francisco. |
| Association of American Railroads, Washington. | Carnegie Corporation of New York. |
| Association of the Bar of the City of New York. | Carnegie Endowment for International Peace, Washington. |
| Señor J. Avilés, Lima, Perú. | |
| Richard C. Backus, Esq., Los Angeles. | |

Hon. Nathan Cayton, Washington.
Central Book Company, New York.
Chicago Law Institute.
Dr. Victor S. Clark, Washington.
Columbia University, New York.
Dr. Francesco Cosentini, Bern, Switzerland.
Council of State Government, Chicago.
Dr. Salvador M. Dana Montaña, Santa Fé, Argentina.
Sefton Darr, Esq., Washington.
Mrs. Clarence Darrow, Chicago.
Dauphin County Bar Association, Harrisburg, Pennsylvania.
District of Columbia Bar Association.
Mr. J. Douma, The Hague.
Phanor Eder, Esq., New York.
Richard Eyre, Esq., New York.
Hon. George Farnum, Boston.
Hon. Alpheus Favour, Prescott, Arizona.
Dr. Russell H. Fitzgibbon, Los Angeles.
Karl Fenning, Esq., Washington.
Mr. Joseph L. Frasca, New York.
Mr. William L. Friend, Jr., Washington.
M. Marcel Godet, Bern, Switzerland.
Guatemala. Secretariat of Foreign Relations.
Dr. Vladimir Gsovski, Washington.
Dr. Lewis Hanke, Washington.
Harvard Law Review Association, Cambridge.
Hon. Alexander Holtzoff, Washington.
Hine's Legal Directory, Inc., Chicago.
Mr. Edward L. Hynes, Washington.
Instituto Cívico Militar, Havana, Cuba.
Instituto Panamericano de Geografía é Historia, México, D. F.
Mr. John W. Jenkins, Washington.
Kansas Legislative Council, Kansas City.
Sewall Key, Esq., Washington.
Dr. R. A. Kent, Louisville, Kentucky.
Dr. B. Landheer, Washington.
League of Nations, Geneva, Switzerland.

Legislative Index Co., Albany, N. Y.
Dr. Faustino Legón, Buenos Aires, Argentina.
Dr. Georg Lenz, Hamburg, Germany.
Mr. Karl Loewenstein, Amherst, Mass.
Miss Vera Lowitsch, Berlin, Germany.
Hon. Oscar R. Luhring, Washington.
Maritime Law Association, New York.
Hon. Clarence E. Martin, Martinsburg, W. Va.
Mr. H. A. Martin, Ambler, Pa.
Mason Publishing Co., St. Paul, Minn.
Massachusetts Bar Association.
Mr. H. M. McLarin, New York.
Mr. Douglas C. McMurtrie, Evanston, Ill.
Professor W. C. Mees, Wageningen, Netherlands.
Hon. Emilio Menéndez Menéndez, Havana, Cuba.
Professor Robert W. Millar, Chicago.
Henry C. Morris, Esq., Washington.
National Highway Users Conference, Washington.
Mr. Ralph R. Neuhoff, Philadelphia.
Nicaraguan Legation, Washington.
New York Law Institute.
North Carolina Bar Association.
Richard Ould, Esq., Washington.
Thomas A. Pace, Esq., Arlington, Virginia.
Pan American Union, Washington.
Peace Palace Library, The Hague.
Señor A. Pellerano Gardá, Ciudad Trujillo, República Dominicana.
Señor José María de la Peña, Seville, Spain.
Philadelphia Bar Association.
Señor Arturo Ramírez, Havana, Cuba.
William R. Roalfe, Esq., Durham, N. C.
Lic. Lorenzo Rodríguez Fuentes, Havana, Cuba.
Mr. Walter S. Rogers, New York.
Señor José Romero, México, D. F.
Murray Seasongood, Esq., Cincinnati, Ohio.
Thorsten Sellin, Esq., Philadelphia.

Harry C. Shriver, Esq., Washington.	Universidad Nacional Autónoma,
Miss A. L. Sinclair, Washington.	México, D. F.
Hon. Bertram Snell, New York.	William R. Vallance, Esq., Washing-
Sociedad Venezolana de Ciencias	ton.
Naturales, Caracas, Venezuela.	West Publishing Co., St. Paul, Minn.
Terramare Office, Berlin, Germany.	Eugene Williams, Esq., Baltimore.
Professor S. E. Thorne, Chicago.	Professor Hans Julius Wolff, Ancon,
Hon. M. de J. Troncoso de la Concha,	Canal Zone.
Ciudad Trujillo, República Domini-	Yale University School of Law, New
cana.	Haven.

Bibliographical Work

During the past year considerable bibliographical work was done for the purpose of ascertaining the deficiencies in the collections of the Law Library in both the theoretical and practical fields of all the branches of law. All existing lists of desiderata were revised and brought up to date. Furthermore, in the fields of early and contemporary juridical literature, the lists of desiderata were considerably augmented.

The *Union and Desiderata List of Spanish Juridical Literature* (down to the end of the Spanish colonial régime in the Americas), originally compiled in the year 1935, was revised and enlarged. Special consideration was taken with regard to the acquisitions made since its compilation.

A revision was made of the first list of desiderata of early juridical literature (in Latin) down to the close of the eighteenth century. This revision aims not only to bring up to date the original limited selection compiled in the year 1934, but also to augment it considerably in order that the collection be developed to the point of being capable of meeting the requirements of scholarship in both the theoretical and practical development of law.

The Law Library initiated the compilation of a general alphabetical list of juridical writers hitherto entirely unrepresented in its collections. So far this list has been only half completed, and already contains 4,462 names of such writers.

The continuous bibliographical work in ascertaining the deficiencies of the collections in contemporary juridical literature has made exceptionally impressive progress. This work aims to cover the legal discipline in its historical and dogmatic as well as in its theoretical and practical aspects; it aims to cover also all the branches of the public and private law. So far this list of desiderata has reached the

number of 11,228 items (2,490 items in Italian; 2,067 items in German; 6,671 items in French).

Interdepartmental Committee on Cooperation With the Latin American Republics

The Interdepartmental Committee on Cooperation with the Latin American Republics having been authorized in May, 1938, by the Secretary of State, the Law Librarian, at the former's request, was designated by the Librarian of Congress to represent the Library in the preparation of a program of the various departments and independent agencies to further the aims of the Government in the policy of the good neighbor to Latin America. Weekly meetings of the Committee representing departments and administrative agencies were held from May through November of 1938, and a plan of cooperation with an accompanying budget, prepared by the Committee, was approved by the President and sent to the Congress with a special message (House Document No. 251, 76th Cong., 1st sess.). The budget of slightly less than a million dollars carried an item of \$72,600 for the Library of Congress. The provisions concerning the expenditure included the following:

Lectures in such capitals and other cultural centers in the American Republics as may be requested by the foreign authorities, by members of the staff competent to address audiences in Spanish, Portuguese, or French on the collections and facilities of the Library; and the loan of librarians and experts to assist such American Republics as may desire it in the classification and catalogation of their national libraries, under the terms of Public No. 545, 75th Congress. Cost, \$27,200.

Establishment of "library fellowships" for study in the Library of Congress by one librarian of such of the twenty republics as may wish to take advantage of these fellowships: a six months' course at \$166.66 per month. Professional services and travel in connection with organization and administration of fellowships. Cost, \$25,600.

Collection of folk-music of Mexico, Argentina, and Brazil; and presentation of a selection of 100 of the best American folk-song records to each of the twenty republics. Cost, \$3,000.

Presentation to each of twenty republics a set of photographic copies of "fundamental American documents" (Declaration of Independence, Constitution, etc.). Cost, \$10,000.

Presentation of one set of *The Writings of George Washington* to each of the twenty republics. No additional funds.

In addition, the Library listed the various activities in and facilities for cultural cooperation with the Latin American republics which were in progress without the need of additional appropriation. These

were specifically the establishment of The Hispanic Foundation and the improvement of international exchange relations and interlibrary loans. Hearings on the Library of Congress items were held before the Third Deficiency Subcommittee of the Appropriations Committee of the House of Representatives on July 19, 1939, and of the Senate on August 3, 1939. Both Committees refused the appropriations. The Subcommittee of the House of Representatives stated in its report that, "No doubt each of those projects would contribute in an undeterminable measure to the promotion of better inter-American relations, but the committee is fearful that provision therefor would be merely the beginning of a program that would call for much larger appropriations in the future, and just now does not seem to be the time for laying a course that might bring about such a result."

The Senate Subcommittee held that it was too late in the season to go into the matter and suggested that it should be presented more properly in the regular estimates for 1940-1941.

A similar fate befell almost the entire budget presented separately, but, hopeful of a more sympathetic reception from the Congress next year, the Interdepartmental Committee continued its meetings during the past summer in order to prepare the estimates for the next fiscal year. The opinion of the Committee seems to be that the Department of State should present the budget *en bloc*, and that preparation for further annual budgets in connection with cooperation with the Latin American republics should begin early in the spring in order that the budget may be presented more opportunely. In the meantime, the Library portion of the budget has been considerably revised by the Librarian of Congress with especial emphasis upon Library fellowships.

Support of National, State, and Local Bar Associations

The cooperation of the organized bar in the development of the Law Library received considerable impetus during the past year. This was shown in particular in the increase in the number of individual gifts made in answer to the appeals of the national, state, and local bar association committees on facilities of the Law Library. An increase in the reciprocal service of interlibrary loans was also noted. The strongest support of any single member of the bar was rendered by the President of the American Bar Association, Frank J. Hogan, who, through public statement and appearance before com-

mittees, as well as through private conferences, gave much of his valuable time to the advancement of the Law Library. Like many other members of the American bar, he recalled that, as a young lawyer, the Law Library of Congress was "his personal library when it was in the basement of the Capitol." Mr. Hogan carried more than ordinary weight in his advocacy of the development of a great national Law Library because he spoke not only as a leader of the bar, but also as an ardent bibliophile. An exhibition of some of Mr. Hogan's rare books and manuscripts, among which are several important legal items, was placed on view in the Folger Shakespeare Library during the spring of 1939.

Among the chairmen of the committees on facilities of the Law Library in the state organizations, we are especially grateful to the Presiding Judge of the Supreme Court of South Dakota, the Honorable Frederick A. Warren, whose report was published in the *South Dakota Bar Journal*, of July 1939. The Presiding Judge, during a special visit to the Library of Congress, made a first-hand acquaintance with the collections of the Law Library, its service, and its needs.

Mr. Thomas Raeburn White, of the Philadelphia bar, has also given very effective assistance while serving as chairman of a similar committee of the Philadelphia Bar Association for the past three years. In the 1938 report of the Pennsylvania Bar Association (v. 44, p. 98-99), he made a personal appeal to the members, asking them to continue their support of the Law Library, and also urged them to cooperate with the parent committee of the American Bar Association in determining what would be the proper thing to do with the bequest of the late Justice Holmes.

A similar committee of the State Bar of California, under the chairmanship of Mr. Henry E. Springmeyer, gave its report at the twelfth annual meeting in September of this year. (See *The State Bar Journal*, v. 14, No. 8, p. 100-102.) Among other committees which have shown their interest by rendering written reports are the sister committee of the Oregon State Bar, under the chairmanship of E. N. Gillingham, appearing in the *Oregon Law Review* for December 1938, and the committee of the Florida State Bar Association, under the chairmanship of Mr. Morris E. White, published in the *Florida Law Journal* of April 1938.

The Law Library is indebted to Mr. John P. Bullington, of the Houston bar, a member of the A. B. A. Law Library Committee, whose article entitled: "Have You a Foreign Problem? The Library

of Congress Is as Near You as a Letter Box" was published in the *Texas Bar Journal* of October 1939. Mr. Bullington has found the foreign-law collection, particularly the French and Spanish, indispensable to his practice, and has often used them. He urged the members of the Texas bar to avail themselves fully of the facilities of the Law Library for he assured them that if they did, they would realize its value and be willing to cooperate in its development.

At the invitation of the Ohio State Bar Association, the Law Librarian delivered an address at its annual meeting in Columbus on April 14. (See "A National Center of Advanced Legal Study," in *The Ohio Bar Association Report*, May 8, 1939, p. 109-114.) Following this address, the association passed a resolution authorizing the appointment of a committee on the facilities of the Law Library of Congress. *The Ohio State Bar Association Report* of August 21, 1939, announced the appointment by President Howard L. Barkdull of the following committee: Morrison P. Waite, Chairman; Harry N. Routzohn; O. B. Selfridge, Jr.; Thomas A. Jenkins; Charles D. Lindrooth; J. I. O'Connor; Earl R. Lewis; John F. Oberlin; and Gillum H. Doolittle.

Representative Charles H. Leavy rendered valuable service not only in presenting the needs of the Law Library to his fellow members of the Appropriations Committee but also in his leadership as Chairman of the A. B. A. Committee on the Facilities of the Law Library. A meeting of this Committee was held during the sessions of the American Law Institute in the Mayflower Hotel, in May 1939, at which ways and means of publicizing the needs of the Law Library were discussed, as well as the Committee's report to the American Bar Association. (See *Advance Program, A. B. A.*, San Francisco, July, 1939, p. 42 *et seq.*) The Committee decided to prepare a comprehensive conspectus of the facilities of the Law Library of Congress and have it published and distributed not only for the better information of the members of the Association but also for the use of the law schools of the country in order that professors of legal bibliography use it in their courses. In this way the bar will attempt to enlist its future members in the cause of developing a great national law library.

The report of the Committee, *supra*, was presented to the House of Delegates at the San Francisco meeting by Mr. William Roy Vallance, of the District of Columbia bar, in the absence of Chairman Leavy. The report, while stressing the increasing facilities of the Law Library, which are available to the lawyers and judges generally throughout

the nation, also pointed out the need for more extensive cooperation by the state and local bar associations. The Committee said that "these committees of the state and local bar associations are also able to crystallize the sentiment of the legal profession for the development of a national law library that will be on a par with the Army Medical Library." The Committee closed its report with these words:

Your Committee, keenly appreciative of the opportunity it has had to observe the functioning of the Law Library and the efforts which are being made to enlarge its usefulness, urges the membership to continue their support, not only in the larger work of seeing that adequate appropriations are maintained and in securing gifts of money and materials in aid of the bibliographical facilities, but also in sending to the Law Library books and pamphlets which are discarded from personal or office libraries, and if travelling abroad, in notifying the Law Librarian of foreign law collections which may be acquired.

The report of the Committee contained the following resolutions, which were unanimously adopted by the House of Delegates:

Resolved, That the American Bar Association takes notice with great satisfaction of the continued interest in and support of the Law Library of Congress by the Congress of the United States, and urges the bench and bar of this country to supplement this support by taking a more active part in its development to the end that it may appropriately fulfill its national function and render a service comparable to that of the Army Medical Library.

That the American Bar Association requests its members to render all possible assistance in the upbuilding of the Law Library of Congress by gifts of books and also of grants of funds to provide for the purchase of rare source material and for the purpose of establishing Chairs and Consultantships in various fields of jurisprudence.

At the invitation of the National Association of Attorneys General, which held its meeting in San Francisco in connection with that of the American Bar Association, the Law Librarian read a paper entitled "A National Center of Criminological Research." Attention was invited to the apparatus already existing in Washington for criminological research, and an appeal was made for the support of the National Association of Attorneys General in the founding of a chair of Criminal Law and Criminology in the Law Library. This project has already received the endorsement of the Advisory Committee of Attorney General Cummings' Crime Commission and the American Bar Association, and it is encouraging to report that the National Association of Attorneys General has now added the weight of its support to this important project. The resolution referred to will be found in *The Council of State Governments*, v. 11, Attorneys General, No. 32, p. 189, and the paper will be published in the Pro-

ceedings of the Thirty-third Annual Meeting of the National Association of Attorneys General.

As representative of the Library, the Law Librarian was privileged to attend the meetings of the American Association of Law Libraries and American Bar Association held in San Francisco from July 5th to 15th. The opportunity was afforded to visit the excellent law libraries of San Francisco, and also those of the University of California and Stanford University nearby.

Acknowledgments

The biobibliographical research demanded in a report of the noteworthy accessions of a law library of national scope obviously requires the collaboration of the reference staff. It is a pleasure to record the aid of Miss Virginia W. Brewer, Mrs. Helen Lord Claggett, and Messrs. W. L. Friend, Jr., Vladimir Gsovski, Constantine Kojouharoff, Bartholomew Landheer, and Carl L. W. Meyer. Acknowledgment is due, moreover, to each member of the staff for his helpful cooperation and loyal service.

It is our custom, one of nine years' standing, to mail offprint copies of the report to libraries, lawyers and law professors, and to other scholars interested in the social sciences. Although, through this form of publicity, the Law Library may not attract such generous patrons as Sterling, Cook, or Carson, yet the interest of even a small group of lawyers in each state has resulted and will continue to result in signal benefit through the receipt alone of uncopyrighted and fugitive state and local legal miscellany. For the constant interest of these loyal patrons, the Law Library is glad to acknowledge its sincere appreciation.

THE LIBRARY OF THE
DEC 12 1940
UNIVERSITY OF ILLINOIS

